

ACTS

AND

RESOLVES

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1905,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, TABLES SHOWING
CHANGES IN THE STATUTES, CHANGES OF
NAMES OF PERSONS, ETC., ETC.

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A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

PREAMBLE.

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

Objects of
government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic,
how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peace-

ably, without fraud, violence, or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and natural rights of all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship. Protection therein.
2 Cush. 104.
12 Allen, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession of sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendments, Art. XI substituted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality; and as these cannot be generally diffused through a community but by the institution of the public worship of God, and of public instructions in piety, religion, and morality: Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for

Legislature empowered to compel provision for public worship;

the support and maintenance of public Protestant teachers of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children,

and to enjoin attendance thereon.

Exclusive right of electing religious teachers secured.

Option as to whom parochial taxes may be paid, unless, etc.

All denominations equally protected. 8 Met. 162. Subordination of one sect to another prohibited.

Right of self government secured.

Accountability of all officers, etc.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

Objects of government; right of people to institute and change it.

VII. Government is instituted for the common good; for the protection, safety, prosperity, and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestable, unalienable, and infeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people to secure rotation in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office. For the definition of "inhabitant," see Ch. I, Sect. 2, Art. II.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.
16 Mass. 326.
1 Pick. 418.
7 Pick. 344.
12 Pick. 184, 467.
16 Pick. 87.
23 Pick. 360.
7 Met. 388.
4 Gray, 474.
7 Gray, 363.
14 Gray, 154.
1 Allen, 150.
4 Allen, 474.

Private property not to be taken for public uses without, etc.
6 Cush. 327.
14 Gray, 155.
16 Gray, 417, 431.

1 Allen, 150.	103 Mass. 120, 624.	113 Mass. 45.	127 Mass. 50, 52.
11 Allen, 530.	106 Mass. 356, 362.	116 Mass. 463.	338, 363, 410, 413.
12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 423, 441.	129 Mass. 559.
100 Mass. 544, 560.	111 Mass. 130.		

Remedies, by recourse to the law, to be free, complete and prompt.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and

justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

107 Mass. 172, 180.

118 Mass. 443, 451.

122 Mass. 332.

127 Mass. 550, 554.

108 Mass. 5, 6.

120 Mass. 118, 120.

124 Mass. 464.

129 Mass. 559.

Prosecutions regulated.
8 Pick. 211.
10 Pick. 9.
18 Pick. 434.
21 Pick. 542.
2 Met. 329.
12 Cusb. 246.
1 Gray, 1.
5 Gray, 160.
8 Gray, 329.
10 Gray, 11.
11 Gray, 438.
2 Allen, 361.
11 Allen, 238-240, 264, 439, 473.
12 Allen, 170.
97 Mass. 570, 575.
100 Mass. 287, 295.
103 Mass. 418.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Right to trial by jury in criminal cases, except, etc.
8 Gray, 329, 373.
103 Mass. 418.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

Crimes to be proved in the vicinity.
2 Pick. 550.
121 Mass. 61, 62.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

Right of search and seizure regulated.
Const. of U. S., Amend't IV.
2 Met. 329.
5 Cusb. 369.
1 Gray, 1.
13 Gray, 454.
10 Allen, 403.
100 Mass. 136, 139.
126 Mass. 269, 273.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, etc.
Const. of U. S., Amend't VII.
2 Pick. 382.
7 Pick. 366.
5 Gray, 144.
8 Gray, 373.
11 Allen, 574, 577.
102 Mass. 45, 47.

114 Mass. 388, 390.
120 Mass. 320, 321.

122 Mass. 505, 516.
123 Mass. 590, 593.

125 Mass. 182, 188.
128 Mass. 600.

Liberty of the press.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil. 5 Gray, 121.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, etc., and reason thereof.

XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent. 8 Allen, 247.

XXIII. No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Ex post facto
laws prohibited.
12 Allen, 421,
424, 428, 434.

XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Legislature not
to convict of
treason, etc.

XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

5 Gray, 482.

Excessive bail
or fines, and
cruel punish-
ments, pro-
hibited.

XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be
quartered in any
house, unless,
etc.

XXVIII. No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt
from law-mar-
tial, unless, etc.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of su-
preme judicial
court.
3 Pick. 471.
1 Gray, 472.
4 Allen, 591.
7 Allen, 385.
105 Mass. 219,
221, 225.
Tenure of their
office.

Salaries.

XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Separation of
executive, judi-
cial, and legis-
lative depart-
ments.
2 Cush. 577.
2 Allen, 361.
8 Allen, 247, 253.
100 Mass. 282,
286.
114 Mass. 247,
249.

PART THE SECOND.

The Frame of Government.

Title of body
politic.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

CHAPTER I.

THE LEGISLATIVE POWER.

SECTION I.

The General Court.

Legislative
department.

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

For change of
time, etc., see
amendments,
Art. X.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May;] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's
veto.
99 Mass. 636.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases,

Bill may be
passed by two-
thirds of each
house, notwith-
standing.

the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

3 Mass. 567.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, proceesses, plaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same: whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

For exception in case of adjournment of the general court within the five days, see amendments, Art. I. General court may constitute judicatories, courts of record, etc. 8 Gray, 1. 12 Gray, 147, 154.

Courts, etc., may administer oaths.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to

General court may enact laws, etc. 9 Gray, 426. 4 Allen, 473. 12 Allen, 223, 237. 100 Mass. 544, 557. 116 Mass. 467, 470. may enact laws, etc., not repugnant to the constitution. 6 Allen, 358.

may provide for the election or appointment of officers. 115 Mass. 602.

may prescribe their duties.

General court
may impose
taxes, etc.
12 Mass. 252.
5 Allen, 423.
6 Allen, 553.
8 Allen, 247, 253.
10 Allen, 235.
11 Allen, 268.
12 Allen, 77, 223,
235, 238, 240,
298, 300, 312,
313, 500, 612.
93 Mass. 19.
100 Mass. 285.
101 Mass. 575,
585.
103 Mass. 267.
114 Mass. 383,
391.
116 Mass. 461.
118 Mass. 386,
389.
123 Mass. 493,
495.
127 Mass. 413.
may impose
taxes, etc., to be
disposed of for
defence, protec-
tion, etc.
8 Allen, 247, 256.
Valuation of
estates once in
ten years, at
least, while, etc.
8 Allen, 247.
126 Mass. 547.

this constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities, whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. II.

CHAPTER I.

SECTION II.

Senate.

Senate, number
of, and by
whom elected.
Superseded by
amendments,
Art. XIII.,
which was also
superseded by
amendments,
Art. XXII.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose; and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided, that the number of such districts shall never be less than thir-

For provision as
to councillors,
see amend-
ments, Art.
XVI.

teen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz. : — Suffolk, six; Essex, six; Middlesex, five; Hampshire, four; Plymouth, three; Barnstable, one; Bristol, three; York, two; Dukes County and Nantucket, one; Worcester, five; Cumberland, one; Lincoln, one; Berkshire, two.]

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word “inhabitant” in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport

Counties to be districts, until, etc.

Manner and time of choosing senators and councillors. See amendments, Arts. X. and XV. As to cities, see amendments, Art. II. Provisions as to qualifications of voters, superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. Word “inhabitant” defined. See also amendments, Art. XXIII., which was annulled by Art. XXVI. 12 Gray, 21. 122 Mass. 595, 597.

Selectmen to preside at town meetings.

Return of votes.

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January. See amendments, Art. X.

of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators in the plantations where they reside, as town inhabitants have in their respective towns: and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Plantation meetings. Time of election changed by amendments, Art. XV. Assessors to notify, etc.

Governor and council to examine and count votes, and issue summonses. Time changed to first Wednesday in January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

Senate to be final judge of elections, etc.,

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as

pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz. : The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place

of its own members.
Time changed to first Wednesday of January by amendments, Art. X.
Majority changed to plurality by amendments, Art. XIV.

Vacancies, how filled.
Changed to election by people.
See amendments, Art. XXIV.

Qualifications of a senator.
Property qualification abolished.
See amendments, Art. XIII.
For further provision as to residence, see also amendments, Art. XXII.

Senate not to adjourn more than two days.

shall choose its officers and establish its rules.

shall try all impeachments.

Oath.

Limitation of sentence.

of honor, trust, or profit, under this commonwealth ; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Quorum. See amendments, Arts. XXII. and XXXIII.

IX. [Not less than sixteen members of the senate shall constitute a quorum for doing business.]

CHAPTER I.

SECTION III.

House of Representatives.

Representation of the people.

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representatives, by whom chosen. Superseded by amendments, Arts. XII. and XIII., which were also superseded by amendments, Art. XXI. 7 Mass. 523.

II. [And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative ; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives ; every corporate town containing six hundred ratable polls may elect three representatives ; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Proviso as to towns having less than 150 ratable polls.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative ; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Towns liable to fine in case, etc.

And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeable to this constitution.

Expenses of travelling to and from the general court, how paid. Annulled by Art. XXXV.

[The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.]

Qualifications of a representative.

III. Every member of the house of representatives shall be chosen by written votes ; [and, for one year at

least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the said town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the

New provision as to residence. See amendments, Art. XXI. Property qualifications abolished by amendments, Art. XIII.

Qualifications of a voter. These provisions superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. See also amendments, Art. XXIII., which was annulled by Art. XXVI. Representatives, when chosen.

House alone can impeach.

House to originate all money bills.

Not to adjourn more than two days.

Quorum. See amendments, Arts. XXI. and XXXIII.

To judge of returns, etc., of its own members; to choose its officers and establish its rules, etc.

May punish for certain offences. 14 Gray, 226.

house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of members.

And no member of the house of representatives shall be arrested, or held to bail on mesne process, during his going unto, returning from, or his attending the general assembly.

Senate.
Governor and council may punish.
General limitation.
14 Gray, 226.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by committee, or otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

CHAPTER II.

EXECUTIVE POWER.

SECTION I.

Governor.

Governor.

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCELLENCY.

His title.

To be chosen annually.
Qualifications.
See amendments, Arts. VII. and XXXIV.

H. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceeding; [and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds;] [and unless he shall declare himself to be of the Christian religion.]

By whom chosen, if he have a majority of votes.

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form

a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and in case of an election by a [majority] of all the votes returned, the choice shall be by them declared and published; but if no person shall have a [majority] of votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV.

How chosen, when no person has a plurality.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire: [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause

May adjourn or prorogue the general court upon request, and convene the same. As to dissolution, see amendments, Art. X.

happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

As to dissolution, see amendments, Art. X.

Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprize the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Limitation.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution

granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

Governor and council may pardon offences, except, etc.

But not before conviction.
109 Mass. 323.

IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council: and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Judicial officers, etc., how nominated and appointed.
For provisions as to election of attorney-general, see amendments, Art. XVII.

For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIX. For provision as to appointment of notaries public, see amendments, Art. IV.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

Militia officers, how elected.
Limitation of age struck out by amendments, Art. V.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected.

How commissioned.

Election of officers.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Major-generals, how appointed and commissioned.

For provisions as to appointment of a commissary-general, see amendments, Art. IV.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elec-

Vacancies, how filled, in case, etc.

tions, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. Superseded by amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Adjutants, etc., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Army officers, how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Money, how drawn from the treasury, except, etc. 13 Allen, 593.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth: and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, etc., to make quarterly returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall

exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be—HIS HONOR; and who shall be qualified, in point of [religion,][property,] and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of repre-

Lieutenant-governor; his title and qualifications. See amendments, Arts. VII. and XXXIV.

How chosen.

Election by plurality provided for by amendments, Art. XIV.

sentatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

President of council.
Lieutenant-governor a member of, except, etc.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

Lieutenant-governor to be acting governor, in case, etc.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

Council.
Number of councillors changed to eight.
See amendments, Art. XVI.

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together: and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

Number; from whom, and how chosen.
Modified by amendments, Arts. X. and XIII.
Superseded by amendments, Art. XVI.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

If senators become councillors, their seats to be vacated.

III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

Rank of
councillors.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

No district to
have more than
two.

Superseded by amendments, Art. XVI.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present ; and this record may be called for at any time by either house of the legislature ; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of
council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exer-
cise the power
of governor in
case, etc.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows : the vacancies in the senate, if any, shall first be filled up ; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people ; and afterwards the two houses shall proceed to the election of the council.]

Elections may
be adjourned
until, etc.

Order thereof.
Superseded by
amendments,
Arts. XVI. and
XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, etc.

ARTICLE I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the pub-

Secretary, etc ,
by whom and
how chosen.
For provision as
to election of
secretary, treas-
urer and re-
ceiver-general,
and auditor and
attorney-gen-
eral, see amend-
ments, Art.
XVII.

Treasurer ineligible for more than five successive years.

lie accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

Secretary to keep records; to attend the governor and council, etc.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

Tenure of all commissioned officers to be expressed. Judicial officers to hold office during good behavior, except, etc. But may be removed on address.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Justices of supreme judicial court to give opinions when required. 122 Mass. 600. 126 Mass. 557, 561.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of the peace; tenure of their office. 3 Cush. 534.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

Provisions for holding probate courts. 12 Gray, 147.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

Marriage,
divorce, and
alimony.
Other pro-
visions made
by law.
105 Mass. 327.
116 Mass. 317.

CHAPTER IV.

DELEGATES TO CONGRESS.

[The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to
congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, ETC.

SECTION I.

The University.

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America, —it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled

Harvard
College.

Powers, privi-
leges, etc., of
the president
and fellows,
confirmed.

to have, hold, use, exercise, and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters, successively; it is declared, that all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

All gifts,
grants, etc.,
confirmed.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed, their successors, who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard College; provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

Who shall be
overseers.

See Statutes,
1851, 224.
1852, 27.
1859, 212.
1865, 173.
1880, 65.

Power of altera-
tion reserved to
the legislature.

CHAPTER V.

SECTION II.

The Encouragement of Literature, etc.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. For further provisions as to public schools, see amendments, Art. XVIII.
12 Allen, 500-503.
103 Mass. 94, 97.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, ETC.

ARTICLE I. [Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz. :

Oaths, etc.

“I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seised and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.”

Abolished. See amendments, Art. VII.

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the pres-

ence of the two houses of assembly ; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz. :

For new oath of allegiance, see amendments, Art. VI.

[· I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state ; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever ; and that I do renounce and abjure all allegiance, subjection, and obedience to the king, queen, or government of Great Britain (as the case may be), and every other foreign power whatsoever ; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States : and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptance of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God.]

Oath of office.

“ I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth. So help me, God.”

Proviso. See amendments, Art. VI.

Provided, always, that when any person chosen or appointed as aforesaid, shall be of the denomination of the

people called Quakers, and shall decline taking the said oath[s], he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, [*“I do swear,” “and abjure,” “oath or,” “and abjuration,”* in the first oath, and in the second oath, the words] *“swear and,”* and [in each of them] the words *“So help me, God;”* subjoining instead thereof, *“This I do under the pains and penalties of perjury.”*

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saying that the judges of the said court may hold the offices of justices of the peace through the state; nor shall they hold any other place or office, or receive any pension or salary from any other state or government or power whatever.

No person shall be capable of holding or exercising at the same time, within this state, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—solicitor-general—treasurer or receiver-general—judge of probate—commissary-general—[president, professor, or instructor of Harvard College]—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—clerk of the inferior court of common pleas—or officer of the customs, including in this description naval officers—shall at the

Oaths and affirmations, how administered.

Plurality of offices prohibited to governor, etc., except, etc. See amendments, Art. VIII.

Same subject. 1 Allen, 553.

Incompatible offices. For further provisions as to incompatible offices, see amendments, Art. VIII. Officers of Harvard College excepted by amendments, Art. XXVII.

same time have a seat in the senate or house of representatives ; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives ; and the place so vacated shall be filled up.

Incompatible
offices.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council ; or any councillor shall accept of either of those offices or places.

Bribery, etc.,
disqualify.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

Value of money
ascertained.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce ; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

Provisions
respecting
commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

Provisions re-
specting writs.
2 Pick. 592.
3 Met. 58.
13 Gray, 74.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts ; they shall be under the seal of the court from whence they issue ; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

Continuation of
former laws,
except, etc.
1 Mass. 69.
2 Mass. 534.
8 Pick. 309, 316.
16 Pick. 107, 115.
2 Met. 118.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature ; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of
habeas corpus
secured, except,
etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner ; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.”

The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority.

Officers of former government continued until, etc.

X. [In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for revising constitution. For existing provision as to amendments, see amendments, Art. IX.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid.

Provision for revising constitution.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for
preserving and
publishing this
constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

Bill, etc., not
approved within
five days, not to
become a law,
if legislature
adjourn in the
mean time.
3 Mass. 567.
See Const., Ch.
I, § 1, Art. II.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court
empowered to
charter cities.
122 Mass. 354.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.
112 Mass. 200.

Qualifications of
voters for gov-
ernor, lieuten-
ant-governor,
senators and
representatives.
See amend-
ments, Arts.
XXN, and
XXXII.
11 Pick. 538, 540.
14 Pick. 341.
14 Mass. 367.
5 Met. 162, 298,
591, 594.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, [and who shall have paid, by himself, or his parent, master, or guardian, any state

or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned,] shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such election.

See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

7 Gray, 299.
122 Mass. 595,
597.
124 Mass. 596.
For educational
qualification,
see amend-
ments, Art. XX.
For provision
as to those who
have served in
the army or
navy in time
of war, see
amendments,
Arts. XXVIII.
and XXXI.

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Notaries public,
how appointed
and removed.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Vacancies in the
offices of secre-
tary and treas-
urer, how filled.
This clause
superseded by
amendments,
Art. XVII.

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

Commissary-
general may be
appointed, in
case, etc.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

Militia officers,
how removed.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Who may vote
for captains and
subalterns.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

Oath to be taken
by all officers.
See Const.,
Ch. VI., Art. 1.

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

Proviso.
Quakers may
affirm.

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting, instead thereof, the word "affirm," and omitting the words "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Tests abolished.

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Incompatibility
of offices.
122 Mass. 445,
600.
123 Mass. 525.

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia offices excepted.

Amendments to
constitution,
how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published: and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed

amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Commencement
of political
year,

and termina-
tion.

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

Meetings for the
choice of gov-
ernor, lieuten-
ant-governor,
etc., when to be
held.

This clause
superseded by
amendments,
Art. XV.

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of

Article, when
to go into
operation.

January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established. See Dec. of Rights, Art. III.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of God and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”

122 Mass. 40, 41.

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was superseded by amendments, Art. XIII, which was also superseded by amendments, Art. XXI. Representatives, how apportioned.

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid; and each town or city having three hundred rata-

ble polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

Towns may unite into representative districts.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation. Provisions as to census superseded by amendments, Arts. XXI. and XXII.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years. 122 Mass. 595.

Senatorial districts declared permanent. Provisions as to senators superseded by amendments, Art. XXII.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned. Provisions as to representatives superseded by amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and

such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basia of
representation,
and ratio of
increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor
and council to
apportion the
number of
representatives
of each town
once in every
ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

Councillors to
be chosen from
the people at
large.
Provisions as to
councillors
superseded by
amendments,
Art. XVI.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Qualifications
of councillors.

ART. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Freehold as a
qualification for
a seat in general
court or council
not required.

Elections by the
people to be by
plurality of
votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect rep-

Time of annual
election of gov-
ernor and legis-
lature.

representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Eight councillors to be chosen by the people.
122 Mass. 595,
598.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor.

Legislature to divide state.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled.
For new provision as to vacancies, see amendments, Art. XXV.

Organization of the government.

[Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice

shall be by them declared and published ; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor ; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room ; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large : but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

Election of secretary, treasurer, auditor, and attorney-general by the people.

Vacancies, how filled.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and

School moneys not to be applied for sectarian schools. For original provision as to

schools, see constitution, Part First, Art. III.
12 Allen, 500, 508.
103 Mass. 94, 96.

Legislature to prescribe for the election of sheriffs, registers of probate, etc. See amendment/s, Art. XXXVI. 8 Gray, 1.
13 Gray, 74.

Reading constitution in English and writing, necessary qualifications of voters. Proviso. For other qualifications, see amendments, Art. III. See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

Census of legal voters and of inhabitants, when taken, etc. See P. S. c. 31.

House of representatives to consist of 240 members. Legislature to apportion, etc. 10 Gray, 613.

expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, [commissioners of insolvency,] and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

110 Mass. 172, 173.

117 Mass. 602, 603.

121 Mass. 65.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Colhasset, in the county of Norfolk, shall, for this pur-

pose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth ; and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county ; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. [Not less than one hundred members of the house of representatives shall constitute a quorum for doing business ; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August. Proceedings.

Qualifications of representatives. 122 Mass. 595, 598.

Districts to be numbered, described and certified.

Quorum, see amendments, Art. XXXIII.

Census, etc. See l'. S. c. 31.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and

Voters to be basis of apportionment of senators.

Senate to consist of forty members.

Senatorial districts, etc.

See amendments, Art. XXIV.

Qualifications of senators.

Quorum, see amendments, Art. XXXIII.

Residence of two years required of naturalized citizens, to entitle to suffrage or make eligible to office. This article annulled by Art. XXVI.

Vacancies in the senate.

returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. [Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXIII. [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of the senators elected.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Vacancies in the council.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled.

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Provisions of Art. 11., Chap. VI., relating to officers of Harvard College, annulled.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll tax.

Superseded by Art. XXXI.

ART. XXIX. The general court shall have full power and authority to provide for the inhabitants of the towns in this commonwealth more than one place of public meeting within the limits of each town for the election of officers under the constitution, and to prescribe the manner of calling, holding and conducting such meetings. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Voting precincts in towns.

ART. XXX. No person, otherwise qualified to vote in elections for governor, lieutenant-governor, senators, and representatives, shall, by reason of a change of residence within the commonwealth, be disqualified from voting for said officers in the city or town from which he has removed

Voters not disqualified by reason of change of residence until six months from time of removal.

his residence, until the expiration of six calendar months from the time of such removal.

Amendments,
Art. XXVIII.
amended.

ART. XXXI. Article twenty-eight of the amendments of the constitution is hereby amended by striking out in the fourth line thereof the words "being a pauper", and inserting in place thereof the words:—receiving or having received aid from any city or town,—and also by striking out in said fourth line the words "if a pauper", so that the article as amended shall read as follows: ARTICLE XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town, or because of the non-payment of a poll tax.

Person who
served in army
or navy, etc.,
not disqualified
from voting for
non-payment of
poll tax.

Provisions of
amendments,
Art. III., rela-
tive to payment
of a tax as a
voting qualifica-
tion, annulled.

ART. XXXII. So much of article three of the amendments of the constitution of the commonwealth as is contained in the following words: "and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned", is hereby annulled.

Quorum, in each
branch of the
general court,
to consist of a
majority of
members.

ART. XXXIII. A majority of the members of each branch of the general court shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and compel the attendance of absent members. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Provisions of
Art. II., § I.,
Chap. II., Part
II., relative to
property quali-
fication of
governor,
annulled.

ART. XXXIV. So much of article two of section one of chapter two of part the second of the constitution of the commonwealth as is contained in the following words: "and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds"; is hereby annulled.

Provisions of
Art. II., § III.,
Chap. I., rela-
tive to expense
of travelling to
the general
assembly by
members of the
house, annulled.

ART. XXXV. So much of article two of section three of chapter one of the constitution of the commonwealth as is contained in the following words: "The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judg-

ment of the house, and does not depart without leave", is hereby annulled.

ART. XXXVI. So much of article nineteen of the articles of amendment to the constitution of the commonwealth as is contained in the following words: "commissioners of insolvency", is hereby annulled.

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30 and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

CONSTITUTION OF MASSACHUSETTS.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people on the ninth day of May, 1859, and was repealed by the twenty-sixth Amendment.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

The twenty-ninth Article was adopted by the legislatures of the political years 1884 and 1885, and was approved and ratified by the people on the third day of November, 1885.

The thirtieth and thirty-first Articles were adopted by the legislatures of the political years 1889 and 1890, and were approved and ratified by the people on the fourth day of November, 1890.

The thirty-second and thirty-third Articles were adopted by the legislatures of the political years 1890 and 1891, and were approved and ratified by the people on the third day of November, 1891.

The thirty-fourth Article was adopted by the legislatures of the political years 1891 and 1892, and was approved and ratified by the people on the eighth day of November, 1892.

The thirty-fifth Article was adopted by the legislatures of the political years 1892 and 1893, and was approved and ratified by the people on the seventh day of November, 1893.

The thirty-sixth Article was adopted by the legislatures of the political years 1893 and 1894, and was approved and ratified by the people on the sixth day of November, 1894.

[A proposed Article of Amendment, prohibiting the manufacture and sale of Intoxicating Liquor as a beverage, adopted by the legislatures of the political years 1888 and 1889, was rejected by the people on the twenty-second day of April, 1889.]

[Proposed Articles of Amendment, (1) Establishing biennial elections of state officers, and (2) Establishing biennial elections of members of the General Court, adopted by the legislatures of the political years 1895 and 1896, were rejected by the people at the annual election held on the third day of November, 1896.]

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
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ACTS AND RESOLVES

OF

MASSACHUSETTS.

1905.

 The General Court of the year nineteen hundred and five assembled on Wednesday, the fourth day of January. The oaths of office were taken and subscribed by His Excellency WILLIAM L. DOUGLAS and His Honor CURTIS GUILD, Jr., on Thursday, the fifth day of January, in the presence of the two Houses assembled in convention.

ACTS.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION OF THE MEMBERS OF THE GENERAL COURT, FOR THE COMPENSATION OF THE OFFICERS THEREOF, AND FOR EXPENSES IN CONNECTION THEREWITH. *Chap. 1*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—

For the compensation of senators, thirty thousand seven hundred and fifty dollars. *Appropriations. Senators, compensation.*

For compensation for travel of senators, a sum not exceeding thirty-two hundred dollars. *Travel.*

For the compensation of representatives, one hundred and eighty thousand seven hundred and fifty dollars. *Representatives, compensation.*

For compensation for travel of representatives, a sum not exceeding twenty thousand dollars. *Travel.*

For the salaries of the clerks of the senate and house of representatives, six thousand dollars. *Senate and house, clerks.*

For the salaries of the assistant clerks of the senate and house of representatives, four thousand dollars. *Assistant clerks.*

For such additional clerical assistance to the clerk of the senate as may be necessary for the proper despatch of public business, a sum not exceeding fifteen hundred dollars. *Clerical assistance to clerk of senate.*

For such additional clerical assistance to the clerk of the house of representatives as may be necessary for the proper despatch of public business, a sum not exceeding two thousand dollars. *Clerical assistance to clerk of house.*

For the compensation of the chaplains of the senate and house of representatives, six hundred dollars. *Chaplains.*

For the salary of the sergeant-at-arms, thirty-five hundred dollars. *Sergeant-at-arms.*

For the salary of the first clerk in the office of the sergeant-at-arms, twenty-two hundred dollars. *First clerk.*

Cashier.	For the salary of the cashier of the sergeant-at-arms, a sum not exceeding one thousand dollars.
Expenses.	For incidental and contingent expenses of the sergeant-at-arms, and expense of mailing legislative bulletins, a sum not exceeding four hundred and fifty dollars.
Doorkeepers.	For the salaries of the doorkeepers of the senate and house of representatives, fifteen hundred dollars each.
Postmaster, messengers, etc.	For the compensation of assistant doorkeepers, postmaster, messengers and pages to the senate and house of representatives, a sum not exceeding thirty-one thousand five hundred dollars.
Printing and binding, senate and house.	For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding thirty-five thousand dollars.
Manual.	For printing and binding the manual for the general court, under the direction of the clerks of the senate and house of representatives, a sum not exceeding forty-five hundred dollars.
Senate, stationery.	For stationery for the senate, purchased by the clerk, a sum not exceeding eight hundred dollars.
House, stationery.	For stationery for the house of representatives, purchased by the clerk, a sum not exceeding twelve hundred dollars.
Sergeant-at-arms, stationery, etc.	For books, stationery, postage, printing and advertising, ordered by the sergeant-at-arms, a sum not exceeding one thousand dollars.
Senate and house, contingent expenses.	For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding six thousand dollars.
Expenses of committees.	For authorized expenses of committees of the present general court, to include clerical assistance to committees authorized to employ the same, a sum not exceeding ten thousand dollars.
Advertising hearings.	For expenses of advertising hearings of the committees of the present general court, to include expenses of preparing and mailing the advertisements to the various newspapers, a sum not exceeding fifteen thousand dollars.
Witness fees, etc.	For expenses of summoning witnesses, and for fees of such witnesses, a sum not exceeding two hundred dollars.
Publication of bulletin.	For expenses in connection with the publication of the bulletin of committee hearings, a sum not exceeding forty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 11, 1905.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE EXECUTIVE DEPARTMENT OF THE COMMONWEALTH. *Chap. 2*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—

For the compensation of the lieutenant governor, two thousand dollars; and for that of the executive council, sixty-four hundred dollars.

Appropriations.

Lieutenant governor and council, compensation.

For travelling expenses of the executive council, a sum not exceeding fifteen hundred dollars.

Travelling expenses.

For the salary of the private secretary of the governor, twenty-five hundred dollars.

Private secretary to governor.

For the salary of the executive secretary, twenty-five hundred dollars.

Executive secretary.

For the salary of the executive stenographer, a sum not exceeding fifteen hundred dollars.

Stenographer.

For clerical assistance for the executive department, a sum not exceeding one thousand dollars.

Clerical assistance.

For the salary of the executive messenger, one thousand dollars.

Messenger.

For the salary of the assistant executive messenger, eight hundred dollars.

Assistant.

For contingent expenses of the executive department, a sum not exceeding three thousand dollars.

Executive department, expenses.

For postage, printing and stationery for the executive department, a sum not exceeding eight hundred dollars.

Postage, printing, etc.

For travelling and contingent expenses of the governor and council, a sum not exceeding twenty-five hundred dollars.

Governor and council, expenses.

For postage, printing and stationery for the executive council, a sum not exceeding five hundred dollars.

Postage, printing, etc.

For the payment of extraordinary expenses, to be expended under the direction of the governor and council, a sum not exceeding fifteen thousand dollars.

Extraordinary expenses.

For the preparation of tables and indexes relating to the statutes of the present year and of previous years, a sum not exceeding five hundred dollars.

Indexes to statutes.

Arrest of
fugitives from
justice.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1905.

Chap. 3 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE JUDICIAL DEPARTMENT OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

SUPREME JUDICIAL COURT.

Supreme
judicial court,
justices.

For travelling expenses of the chief justice and of the six associate justices of the supreme judicial court, thirty-five hundred dollars.

Clerk.

For the salary of the clerk of the supreme judicial court, three thousand dollars.

Clerical assistance to clerk.

For clerical assistance to the clerk of the supreme judicial court, five hundred dollars.

Clerical
assistance to
justices.

For clerical assistance to the justices of the supreme judicial court, a sum not exceeding twenty-five hundred dollars.

Expenses.

For expenses of the supreme judicial court, a sum not exceeding two thousand dollars.

Reporter of
decisions, etc.

For the salary of the reporter of decisions of the supreme judicial court, four thousand dollars; and for clerk hire and incidental expenses of said reporter, a sum not exceeding two thousand dollars.

Officers and
messenger.

For the salaries of the officers and messenger of the supreme judicial court, twenty-four hundred dollars.

Clerk for
Suffolk.

For the salary of the clerk of the supreme judicial court for the county of Suffolk, fifteen hundred dollars.

SUPERIOR COURT.

Superior
court, justices.

For the salaries and travelling expenses of the chief justice and of the twenty-two associate justices of the superior court, one hundred and sixty-one thousand five hundred dollars.

Assistant
clerk.

For the salary of the assistant clerk of the superior court, five hundred dollars.

COURTS OF PROBATE AND INSOLVENCY.

- For the salary of the judge of probate and insolvency for the county of Barnstable, fourteen hundred dollars. Probate and insolvency judges, Barnstable.
- For the salary of the judge of probate and insolvency for the county of Berkshire, twenty-five hundred dollars. Berkshire.
- For the salary of the judge of probate and insolvency for the county of Bristol, four thousand dollars. Bristol.
- For the salary of the judge of probate and insolvency for the county of Dukes County, nine hundred dollars. Dukes County.
- For the salary of the judge of probate and insolvency for the county of Essex, forty-five hundred dollars. Essex.
- For the salary of the judge of probate and insolvency for the county of Franklin, fifteen hundred dollars. Franklin.
- For the salary of the judge of probate and insolvency for the county of Hampden, thirty-two hundred dollars. Hampden.
- For the salary of the judge of probate and insolvency for the county of Hampshire, seventeen hundred dollars. Hampshire.
- For the salaries of the two judges of probate and insolvency for the county of Middlesex, ten thousand dollars. Middlesex.
- For the salary of the judge of probate and insolvency for the county of Nantucket, nine hundred dollars. Nantucket.
- For the salary of the judge of probate and insolvency for the county of Norfolk, four thousand dollars. Norfolk.
- For the salary of the judge of probate and insolvency for the county of Plymouth, twenty-three hundred dollars. Plymouth.
- For the salaries of the two judges of probate and insolvency for the county of Suffolk, twelve thousand dollars. Suffolk.
- For the salary of the judge of probate and insolvency for the county of Worcester, forty-five hundred dollars. Worcester.
- For the compensation of judges of probate and insolvency acting in other counties than their own, a sum not exceeding three thousand dollars. Acting in other counties.
- For the salary of the register of probate and insolvency for the county of Barnstable, thirteen hundred dollars. Register, Barnstable.
- For the salary of the register of probate and insolvency for the county of Berkshire, eighteen hundred dollars. Berkshire.
- For the salary of the register of probate and insolvency for the county of Bristol, thirty-three hundred dollars. Bristol.
- For the salary of the register of probate and insolvency for the county of Dukes County, eight hundred dollars. Dukes County.
- For the salary of the register of probate and insolvency for the county of Essex, thirty-five hundred dollars. Essex.

Franklin.	For the salary of the register of probate and insolvency for the county of Franklin, fifteen hundred dollars.
Hampden.	For the salary of the register of probate and insolvency for the county of Hampden, twenty-six hundred dollars.
Hampshire.	For the salary of the register of probate and insolvency for the county of Hampshire, sixteen hundred dollars.
Middlesex.	For the salary of the register of probate and insolvency for the county of Middlesex, four thousand dollars.
Nantucket.	For the salary of the register of probate and insolvency for the county of Nantucket, nine hundred dollars.
Norfolk.	For the salary of the register of probate and insolvency for the county of Norfolk, twenty-three hundred dollars.
Plymouth.	For the salary of the register of probate and insolvency for the county of Plymouth, nineteen hundred dollars.
Suffolk.	For the salary of the register of probate and insolvency for the county of Suffolk, five thousand dollars.
Worcester.	For the salary of the register of probate and insolvency for the county of Worcester, thirty-five hundred dollars.
Assistant register, Berkshire.	For the salary of the assistant register of probate and insolvency for the county of Berkshire, eight hundred dollars.
Bristol.	For the salary of the assistant register of probate and insolvency for the county of Bristol, sixteen hundred and fifty dollars.
Essex.	For the salary of the assistant register of probate and insolvency for the county of Essex, twenty-three hundred dollars.
Franklin.	For the salary of the assistant register of probate and insolvency for the county of Franklin, six hundred dollars.
Hampden.	For the salary of the assistant register of probate and insolvency for the county of Hampden, thirteen hundred dollars.
Hampshire.	For the salary of the assistant register of probate and insolvency for the county of Hampshire, seven hundred dollars.
Middlesex.	For the salary of the assistant register of probate and insolvency for the county of Middlesex, twenty-seven hundred dollars.
Norfolk.	For the salary of the assistant register of probate and insolvency for the county of Norfolk, twelve hundred dollars.
Suffolk.	For the salary of the assistant register of probate and insolvency for the county of Suffolk, twenty-eight hundred dollars.

For the salary of the assistant register of probate and insolvency for the county of Worcester, twenty-three hundred dollars. Worcester.

For extra clerical assistance to the register of probate and insolvency for the county of Bristol, a sum not exceeding four hundred dollars. Clerical assistance, Bristol.

For extra clerical assistance to the register of probate and insolvency for the county of Essex, a sum not exceeding thirty-three hundred and fifty dollars. Essex.

For extra clerical assistance to the register of probate and insolvency for the county of Hampden, a sum not exceeding six hundred dollars. Hampden.

For extra clerical assistance to the register of probate and insolvency for the county of Middlesex, a sum not exceeding fifty-five hundred dollars. Middlesex.

For extra clerical assistance to the register of probate and insolvency for the county of Norfolk, a sum not exceeding six hundred dollars. Norfolk.

For extra clerical assistance to the register of probate and insolvency for the county of Plymouth, a sum not exceeding nine hundred dollars. Plymouth.

For extra clerical assistance to the register of probate and insolvency for the county of Suffolk, a sum not exceeding fifty-one hundred dollars. Suffolk.

For extra clerical assistance to the register of probate and insolvency for the county of Worcester, a sum not exceeding thirty-three hundred and fifty dollars. Worcester.

For the salary of the clerk of the register of probate and insolvency for the county of Suffolk, twelve hundred dollars. Clerk of register, Suffolk.

For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, excepting Suffolk county, a sum not exceeding eleven thousand three hundred thirty-three dollars and thirty-three cents. In the several counties, except Suffolk.

For expenses of courts of probate and insolvency, a sum not exceeding thirty-five hundred dollars. Expenses.

DISTRICT ATTORNEYS.

For the salary of the district attorney for the Suffolk district, five thousand dollars. District attorney, Suffolk.

For the salary of the first assistant district attorney for the Suffolk district, thirty-eight hundred dollars. First assistant.

Second assistant.	For the salary of the second assistant district attorney for the Suffolk district, thirty-eight hundred dollars.
Clerk.	For the salary of the clerk of the district attorney for the Suffolk district, eighteen hundred dollars.
Northern district.	For the salary of the district attorney for the northern district, three thousand dollars.
Assistant.	For the salary of the assistant district attorney for the northern district, two thousand dollars.
Eastern district.	For the salary of the district attorney for the eastern district, twenty-four hundred dollars.
Assistant.	For the salary of the assistant district attorney for the eastern district, fourteen hundred dollars.
Southeastern district.	For the salary of the district attorney for the southeastern district, twenty-four hundred dollars.
Assistant.	For the salary of the assistant district attorney for the southeastern district, fourteen hundred dollars.
Southern district.	For the salary of the district attorney for the southern district, twenty-two hundred dollars.
Assistant.	For the salary of the assistant district attorney for the southern district, twelve hundred dollars.
Middle district.	For the salary of the district attorney for the middle district, twenty-four hundred dollars.
Assistant.	For the salary of the assistant district attorney for the middle district, twelve hundred dollars.
Western district.	For the salary of the district attorney for the western district, twenty-one hundred dollars.
Northwestern district.	For the salary of the district attorney for the northwestern district, thirteen hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1905.

Chap. 4 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE AUDITOR OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—
Auditor.	For the salary of the auditor, thirty-five hundred dollars.

For the salary of the first clerk in the auditor's department, twenty-five hundred dollars. First clerk.

For the salary of the second clerk in the auditor's department, twenty-two hundred dollars. Second clerk.

For the salaries of the extra clerks in the auditor's department, forty-five hundred dollars. Extra clerks.

For stenographers and such additional clerical assistance as the auditor may find necessary for the proper despatch of public business, a sum not exceeding forty-five hundred dollars. Stenographers, etc.

For the salary of the messenger in the auditor's department, nine hundred dollars. Messenger.

For the compensation of a state printing expert, a sum not exceeding fifteen hundred dollars. Printing expert.

For incidental and contingent expenses in the auditor's department, a sum not exceeding fifteen hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1905.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE OFFICE OF THE STATE BOARD OF HEALTH.

Chap. 5

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state board of health, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: — Appropriations.

For the salary of the secretary of the board, three thousand dollars. State board of health, secretary.

For the general work of the board, including all necessary travelling expenses, a sum not exceeding eighteen thousand dollars. Expenses.

For salaries and other expenses in connection with the inspection of milk, food and drugs, a sum not exceeding twelve thousand five hundred dollars. Inspection of milk, food and drugs.

For expenses of the examination of sewer outlets, a sum not exceeding seven thousand five hundred dollars. Examination of sewer outlets.

For the production and distribution of antitoxin and vaccine lymph, a sum not exceeding ten thousand dollars. Distribution, etc., of antitoxin and vaccine lymph.

For printing and binding the annual report, a sum not exceeding four thousand dollars. Annual report.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1905.

Chap. 6 AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION
AND EXPENSES OF THE BALLOT LAW COMMISSION.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Ballot law commission.

For the compensation of the ballot law commission, a sum not exceeding fifteen hundred dollars.

Expenses.

For the expenses of the ballot law commission, a sum not exceeding one hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1905.

Chap. 7 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE BUREAU OF STATISTICS OF LABOR.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the bureau of statistics of labor, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Chief of bureau of statistics of labor.

For the salary of the chief of the bureau, three thousand dollars.

First clerk.

For the salary of the first clerk, two thousand dollars.

Second clerk.

For the salary of the second clerk, sixteen hundred and fifty dollars.

Special agents.

For the salaries of the two special agents of the bureau, the sum of twenty-four hundred dollars.

Clerical assistance.

For such additional clerical assistance and for such other expenses of the bureau as may be necessary, a sum not exceeding thirteen thousand eight hundred dollars.

Statistics of manufactures.

For expenses in connection with the annual collection of statistics of manufactures, a sum not exceeding sixty-five hundred dollars.

Expenses of special census.

For expenses in connection with taking a special census in towns having an increased resident population during the summer months, a sum not exceeding six hundred dollars.

Annual reports.

For printing and binding the annual reports of the

bureau of statistics of labor, a sum not exceeding four thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE STATE BOARD OF CONCILIATION AND ARBITRATION. Chap. 8

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—

For the salaries of the members of the state board of conciliation and arbitration, seventy-five hundred dollars. Appropriations.
Board of conciliation, etc.

For the salary of the clerk of the state board of conciliation and arbitration, fifteen hundred dollars. Clerk.

For travelling, incidental and contingent expenses of the state board of conciliation and arbitration, the same to include printing and binding the annual report, also the compensation of expert assistants, a sum not exceeding eleven thousand six hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1905.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE CONTROLLER OF COUNTY ACCOUNTS. Chap. 9

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—

For the salary of the controller of county accounts, twenty-five hundred dollars. Appropriations.
Controller of county accounts.

For the salary of the first deputy controller of county accounts, eighteen hundred dollars. First deputy.

For the salary of the second deputy controller of county accounts, fifteen hundred dollars. Second deputy.

For the salary of the third deputy controller of county accounts, twelve hundred dollars. Third deputy.

Expenses.

For travelling and office expenses of the controller of county accounts and of his deputies, to include printing and binding the annual report, a sum not exceeding fourteen hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1905.

Chap. 10 AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE CIVIL SERVICE COMMISSIONERS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—

Civil service commission.

For the compensation and expenses of the members of the civil service commission, a sum not exceeding two thousand dollars.

Chief examiner.

For the salary of the chief examiner of the civil service commission, three thousand dollars.

Secretary.

For the salary of the secretary of the civil service commission, two thousand dollars.

Registrar of labor.

For the salary of the registrar of labor of the civil service commission, two thousand dollars.

Expenses.

For clerical assistance, and for office, printing, travelling and incidental expenses of the commissioners, chief examiner and secretary, and for advertising and stationery, a sum not exceeding sixteen thousand seven hundred dollars.

Annual report.

For printing and binding ten thousand copies of the annual report of the civil service commission, a sum not exceeding eight hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1905.

Chap. 11 AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING PUBLIC DOCUMENTS, FOR PURCHASING PAPER, AND FOR PUBLISHING LAWS AND MATTERS RELATING TO ELECTIONS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for

the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

For printing and binding the series of public documents, a sum not exceeding eighteen thousand dollars. Public documents.

For printing the pamphlet edition of the acts and resolves of the present year, a sum not exceeding four thousand dollars. Pamphlet edition, acts and resolves.

For printing and binding the blue book edition of the acts and resolves of the present year, a sum not exceeding seven thousand dollars. Blue book.

For the newspaper publication of the general laws and information intended for the public, a sum not exceeding five hundred dollars. Publication of laws, etc.

For reports of decisions of the supreme judicial court, a sum not exceeding two thousand dollars. Reports of decisions of supreme judicial court.

For the purchase of paper used in the execution of the contract for the state printing, a sum not exceeding thirty-six thousand dollars. Purchase of paper.

For assessors' books and blanks, a sum not exceeding fifteen hundred dollars. Assessors' books, etc.

For registration books and blanks, indexing returns and editing the registration report, a sum not exceeding thirty-eight hundred dollars. Registration books, etc.

For printing and distributing ballots, a sum not exceeding ten thousand dollars. Printing, etc., ballots.

For blank forms for town officers, election laws and blanks and instructions on all matters relating to elections, and the expense of advertising the state ticket, a sum not exceeding four thousand dollars. Blank forms, etc.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1905.

AN ACT MAKING AN APPROPRIATION FOR THE PRESERVATION OF TOWN RECORDS OF BIRTHS, MARRIAGES AND DEATHS.

Chap. 12

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding fifteen thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, during the year ending on the thirty-first day of December, nineteen hundred and five, for expenses in connection with the preservation of town records of births, marriages and deaths previous to the year eighteen hundred and fifty. Preservation of certain town records.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1905.

Chap. 13 AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN DENTISTRY.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the board of registration in dentistry, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Board of registration in dentistry.
Expenses.

For the salaries of the members of the board, seventeen hundred dollars.

For clerical services, postage, printing, travelling and other necessary expenses of the board, including the printing of the annual report, a sum not exceeding twenty-two hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1905.

Chap. 14 AN ACT MAKING AN APPROPRIATION FOR DREDGING A PART OF THE SOUTHERLY SHORE OF SOUTH BOSTON.

Be it enacted, etc., as follows:

Dredging part of southerly shore of South Boston.

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to be expended by the harbor and land commissioners in dredging a part of the southerly shore of South Boston during the year nineteen hundred and five.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1905.

Chap. 15 AN ACT MAKING AN APPROPRIATION FOR DREDGING THE CHANNEL OF THE ANNISQUAM RIVER IN THE CITY OF GLOUCESTER.

Be it enacted, etc., as follows:

Dredging, etc., channel of Annisquam river.

SECTION 1. A sum not exceeding seventeen thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of dredging and improving the channel of the Annisquam river between Gloucester harbor and Wolf Hill, as authorized by chapter eighty-eight of the resolves of the year nineteen hundred and four, the same to be in addition to the seventeen thousand dollars appropriated by

chapter four hundred and sixty-one of the acts of the year nineteen hundred and four.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1905.

AN ACT MAKING AN APPROPRIATION FOR SURVEYS, IMPROVEMENTS AND PRESERVATION OF HARBORS, AND FOR REPAIRING DAMAGES OCCASIONED BY STORMS ALONG THE COAST LINE AND RIVER BANKS.

Chap. 16

Be it enacted, etc., as follows:

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, during the year ending on the thirty-first day of December, nineteen hundred and five, for surveys of harbors and for improving and preserving the same, and for repairing damages occasioned by storms along the coast line or river banks of the Commonwealth.

Preservation
of harbors,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved January 26, 1905.

AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH TAKING THE DECENNIAL CENSUS.

Chap. 17

Be it enacted, etc., as follows:

SECTION 1. The sum of two hundred and seventy-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for taking the decennial census, as provided for by chapter four hundred and twenty-three of the acts of the year nineteen hundred and four; said sum to be in addition to the fifteen thousand dollars appropriated by chapter four hundred and sixty-one of the acts of the year nineteen hundred and four.

Taking the
decennial
census.

SECTION 2. This act shall take effect upon its passage.

Approved January 27, 1905.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE STATE LIBRARY.

Chap. 18

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state library, for the

Appropriations.

year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

State librarian.	For the salary of the librarian, three thousand dollars.
Purchase of books.	For the purchase of books for the library, sixty-five hundred dollars.
Clerical assistance.	For such clerical assistance in the library as may be necessary, a sum not exceeding forty-three hundred dollars.
Index to current events.	For preparing an index to current events and to such other matters contained in the newspapers of the day as may be deemed important by the trustees and librarian, a sum not exceeding one thousand dollars.
Expenses.	For contingent expenses of the library, to be incurred under the direction of the trustees and librarian, a sum not exceeding twenty-five hundred dollars.
Annual report.	For printing and binding the annual report of the librarian, a sum not exceeding eight hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

Chap. 19 AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Be it enacted, etc., as follows:

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts Agricultural College, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —
Massachusetts Agricultural College, scholarships.	For providing one hundred and twenty free scholarships, the sum of fifteen thousand dollars.
Theoretical and practical education.	For providing the theoretical and practical education required by the charter of the college and by the laws of the United States relating thereto, the sum of thirteen thousand dollars.
Labor fund, etc.	For the further maintenance of the college, the sum of ten thousand dollars, of which five thousand dollars a year shall be used as a labor fund for the assistance of needy students.
Veterinary laboratory.	For a maintenance fund for the veterinary laboratory, the sum of one thousand dollars.
Heating and lighting plant.	For maintenance of the heating and lighting plant of the college, the sum of five hundred dollars.
Dining hall.	For maintenance of the dining hall at the college, the sum of five hundred dollars.

For maintaining an agricultural experiment station at the college, the sum of ten thousand five hundred dollars.

Agricultural experiment station.

For collecting and analyzing samples of concentrated commercial feed stuffs, a sum not exceeding three thousand dollars.

Collecting, etc., samples of concentrated commercial feed stuffs.

For travelling and other necessary expenses of the trustees of the college, a sum not exceeding five hundred dollars.

Expenses of trustees.

For printing and binding the report of the trustees of the college, a sum not exceeding eight hundred and fifty dollars.

Report of trustees.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

AN ACT TO AUTHORIZE THE UNIVERSALIST PUBLISHING HOUSE
TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 20

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter two hundred and eighty-six of the acts of the year eighteen hundred and seventy-two is hereby amended by striking out the word "two", in the third line, and inserting in place thereof the word: — five, — so as to read as follows: — *Section 2.* Said corporation may hold real and personal property necessary for conducting its business to an amount not exceeding five hundred thousand dollars in value.

1872, 286, § 2, amended.

May hold additional real and personal property.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

AN ACT MAKING AN APPROPRIATION FOR PROTECTING THE
PURITY OF INLAND WATERS.

Chap. 21

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding thirty-four thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the services of engineers, chemists, biologists and other persons, and for other expenses made necessary or authorized by chapter seventy-five of the Revised Laws, in protecting the purity of inland waters during the year nineteen hundred and five.

Protecting purity of inland waters.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

Chap. 22 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE DEPARTMENT OF THE TREASURER AND RECEIVER
GENERAL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Treasurer.

For the salary of the treasurer and receiver general of the Commonwealth, five thousand dollars.

First clerk.

For the salary of the first clerk in the treasurer's department, twenty-six hundred dollars.

Second clerk.

For the salary of the second clerk in the treasurer's department, twenty-one hundred dollars.

Third clerk.

For the salary of the third clerk in the treasurer's department, eighteen hundred dollars.

Receiving teller.

For the salary of the receiving teller in the treasurer's department, eighteen hundred dollars.

Paying teller.

For the salary of the paying teller in the treasurer's department, eighteen hundred dollars.

Assistant paying teller.

For the salary of the assistant paying teller in the treasurer's department, one thousand dollars.

Cashier.

For the salary of the cashier in the treasurer's department, twenty-two hundred dollars.

Assistant bookkeeper.

For the salary of the assistant bookkeeper in the treasurer's department, twelve hundred dollars.

Fund clerk.

For the salary of the fund clerk in the treasurer's department, fifteen hundred dollars.

Warrant clerk.

For the salary of the warrant clerk in the treasurer's department, twelve hundred dollars.

Files clerk.

For the salary of the files clerk in the treasurer's department, nine hundred dollars.

Legacy tax clerk.

For the salary of the legacy tax clerk in the treasurer's department, nineteen hundred dollars.

Stenographer.

For the salary of the stenographer in the treasurer's department, nine hundred dollars.

Messenger.

For the salary of the messenger in the treasurer's department, nine hundred dollars.

Clerical assistance.

For such additional clerical assistance in the treasurer's department as may be necessary for the despatch of public business, a sum not exceeding thirty-five hundred dollars.

For incidental and contingent expenses in the treasurer's department, a sum not exceeding four thousand dollars. Expenses.

For such expenses as the treasurer and receiver general may find necessary in carrying out the provisions of the act imposing a tax on collateral legacies and successions, a sum not exceeding one thousand dollars. Tax on collateral legacies, etc.

For the salary of the deputy sealer of weights, measures and balances, fifteen hundred dollars. Deputy sealer of weights, etc. Expenses.

For travelling and other expenses of the deputy sealer of weights, measures and balances, a sum not exceeding seven hundred dollars; and for furnishing sets of standard weights, measures and balances to towns not heretofore provided therewith, and to each newly incorporated town; also to provide cities and towns with such parts of said sets as may be necessary to make their sets complete, a sum not exceeding four hundred dollars:

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

AN ACT MAKING AN APPROPRIATION FOR THE TUITION AND TRANSPORTATION OF CHILDREN ATTENDING SCHOOL OUTSIDE OF THE TOWN IN WHICH THEY RESIDE.

Chap. 23

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding forty-eight thousand five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of tuition of children in high schools outside of the town in which they reside, in so far as such payment is provided for by section three of chapter forty-two of the Revised Laws, as amended by chapter four hundred and thirty-three of the acts of the year nineteen hundred and two. And there may also be paid from this amount such sums as may be necessary to provide transportation to and from school for such children of school age as may be living upon islands within the Commonwealth which are not provided with schools. Tuition, etc., of certain children.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

Chap. 24 AN ACT MAKING AN APPROPRIATION FOR THE COMPENSATION
OF INSPECTORS OF ANIMALS.

Be it enacted, etc., as follows:

Inspectors of
animals.

SECTION 1. A sum not exceeding seventy-five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the compensation of inspectors of animals, during the year ending on the thirty-first day of December, nineteen hundred and five.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

Chap. 25 AN ACT MAKING AN APPROPRIATION FOR THE PERKINS IN-
STITUTION AND MASSACHUSETTS SCHOOL FOR THE BLIND.

Be it enacted, etc., as follows:

Perkins Insti-
tution and
Massachu-
setts School
for the Blind.

SECTION 1. The sum of thirty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Perkins Institution and Massachusetts School for the Blind, as provided for by chapter nineteen of the resolves of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

Chap. 26 AN ACT MAKING AN APPROPRIATION FOR THE INSTRUCTION
OF THE ADULT BLIND AT THEIR HOMES BY THE PERKINS
INSTITUTION AND MASSACHUSETTS SCHOOL FOR THE BLIND.

Be it enacted, etc., as follows:

Instruction of
adult blind.

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to provide for the instruction of the adult blind at their homes by the Perkins Institution and Massachusetts School for the Blind, for the year ending on the thirty-first day of December, nineteen hundred and five.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE COMMISSIONER OF PUBLIC RECORDS. *Chap. 27*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Appropriations.

For the salary of the commissioner of public records, twenty-five hundred dollars.

Commissioner of public records.

For travelling, clerical and other necessary expenses of the commissioner of public records, including the printing of his annual report, a sum not exceeding twenty-five hundred dollars.

Expenses.

For the purchase of ink for public records, a sum not exceeding four hundred dollars.

Purchase of ink.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY. *Chap. 28*

Be it enacted, etc., as follows:

SECTION 1. The sum of twenty-nine thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Massachusetts Institute of Technology.

Massachusetts Institute of Technology.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF ANNUITIES AND PENSIONS TO SOLDIERS AND OTHERS. *Chap. 29*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of annuities and pensions due from the Commonwealth to soldiers and others, during the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Appropriations.

Annuities to
soldiers, etc.

For annuities to soldiers and others, as authorized by the general court, the sum of fifty-seven hundred and forty-six dollars.

Pensions.

For pensions authorized by the general court, the sum of five hundred and twenty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

Chap. 30 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS
STATE FIREMEN'S ASSOCIATION.

Be it enacted, etc., as follows:

Massachusetts
State Fire-
men's Asso-
ciation.

SECTION 1. The sum of twelve thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts State Firemen's Association, as provided for by chapter one hundred and eight of the acts of the year nineteen hundred and two.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

Chap. 31 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE DEPARTMENT OF THE SURGEON GENERAL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—

Surgeon
general.

For the salary of the surgeon general, twelve hundred dollars.

Medical supplies, etc.

For medical supplies for use of the volunteer militia, and for incidental and contingent expenses of the surgeon general, including the printing of his annual report, a sum not exceeding two thousand four hundred and seventy-five dollars.

Examination
of recruits.

For expenses in connection with the examination of recruits for the militia, a sum not exceeding twenty-six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF CERTAIN CLAIMS ARISING FROM THE DEATH OF FIREMEN IN THE DISCHARGE OF THEIR DUTIES. *Chap. 32*

Be it enacted, etc., as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth, as authorized by section seventy-seven of chapter thirty-two of the Revised Laws, for the payment of such claims as may arise in consequence of the death of firemen belonging to the regularly organized fire department of a city or town, or of members in active service of any incorporated protective department, or of any person doing duty at the request of or by order of the authorities of a town which has no organized fire department, who are killed or who die from injuries received while in the discharge of their duties at fires, during the year ending on the thirty-first day of December, nineteen hundred and five.

Payment of certain claims arising from the death of firemen.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE COMMISSIONERS OF SAVINGS BANKS. *Chap. 33*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Appropriations.

For the salaries of the commissioners of savings banks, ninety-five hundred dollars.

Commissioners of savings banks.

For the salary of the first clerk of the commissioners, two thousand dollars.

First clerk.

For the salary of the second clerk of the commissioners, fifteen hundred dollars.

Second clerk.

For the salary of the third clerk of the commissioners, twelve hundred dollars.

Third clerk.

For such additional clerks and expert assistants as the commissioners may deem necessary, a sum not exceeding twenty-five hundred dollars.

Additional clerks, etc.

Expenses.

For travelling and incidental expenses of the commissioners, a sum not exceeding three thousand dollars.

Annual report.

For printing and binding the annual report of the commissioners in two parts, a sum not exceeding fifty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

Chap. 34 AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS NAUTICAL TRAINING SCHOOL.

Be it enacted, etc., as follows:

Massachusetts nautical training school.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts nautical training school, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—

Current expenses.

For current expenses, a sum not exceeding fifty-five thousand dollars.

Expenses of commissioners.

For the necessary expenses of the commissioners, including the salary of the secretary, clerical services, printing and stationery, and for contingent expenses and printing and binding the annual report of the commission, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

Chap. 35 AN ACT MAKING AN APPROPRIATION FOR THE PUBLICATION OF A RECORD OF MASSACHUSETTS SOLDIERS AND SAILORS WHO SERVED IN THE WAR OF THE REBELLION.

Be it enacted, etc., as follows:

Publication of record of soldiers and sailors.

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the publication of a record of Massachusetts troops and officers, sailors and marines, in the war of the rebellion, as authorized by chapter four hundred and seventy-five of the acts of the year eighteen hundred and ninety-nine.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE MASSACHUSETTS HIGHWAY COMMISSION. *Chap. 36*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts highway commission, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Appropriations.

For the salaries of the commission, the sum of eighty-five hundred dollars.

Massachusetts highway commission.

For the salaries of the engineers, clerks and assistants in the office of the commission, a sum not exceeding thirteen thousand dollars.

Engineers, clerks, etc.

For travelling and other expenses of the commission, printing, postage and necessary office expenses, a sum not exceeding fifty-five hundred dollars.

Expenses.

For rent of offices for the use of the commission, a sum not exceeding forty-seven hundred and fifty dollars.

Rent of offices.

For printing and binding the annual report of the commission, a sum not exceeding twelve hundred dollars.

Annual report.

For care and repair of road-building machinery, a sum not exceeding thirty-five hundred dollars.

Road-building machinery.

For expenses in connection with the registration of motor vehicles and licensing of operators thereof, a sum not exceeding seven thousand dollars.

Registration of motor vehicles.

For the maintenance of state highways, a sum not exceeding sixty thousand dollars.

State highways.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH. *Chap. 37*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Appropriations.

For the salary of the secretary of the Commonwealth, thirty-five hundred dollars.

Secretary of the Commonwealth.

First clerk.	For the salary of the first clerk in the secretary's department, twenty-five hundred dollars.
Second clerk.	For the salary of the second clerk in the secretary's department, twenty-two hundred dollars.
Chief of archives division.	For the salary of the chief of the archives division in the secretary's department, two thousand dollars.
Cashier.	For the salary of the cashier in the secretary's department, a sum not exceeding twelve hundred dollars.
Clerical assistance and messengers.	For messengers and such additional clerical assistance as the secretary may find necessary, a sum not exceeding twenty-seven thousand two hundred dollars.
Expenses.	For incidental and contingent expenses in the secretary's department, a sum not exceeding thirty-seven hundred and fifty dollars.
Arrangement of records, etc.	For the arrangement and preservation of state records and papers, a sum not exceeding four thousand dollars.
Postage, etc.	For postage and expressage on documents to members of the general court, and for transportation of documents to free public libraries, a sum not exceeding twenty-five hundred dollars.
Ballot boxes.	For furnishing cities and towns with ballot boxes, and for repairs to the same, a sum not exceeding two thousand dollars.
Regimental histories.	For the purchase of histories of regiments, batteries and other military organizations of the Massachusetts volunteers who served in the civil war, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

Chap. 38 AN ACT MAKING AN APPROPRIATION FOR THE REMOVAL OF
WRECKS FROM TIDE WATERS.

Be it enacted, etc., as follows:

REMOVAL OF OBSTRUCTIONS FROM TIDE WATERS.

SECTION 1. The sum of one thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, during the year ending on the thirty-first day of December, nineteen hundred and five, for the removal of wrecks and other obstructions from tide waters, as provided for by section twenty-two of chapter ninety-seven of the Revised Laws.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

AN ACT TO AUTHORIZE THE TOWN OF HOLDEN TO MAKE AN
ADDITIONAL WATER LOAN. *Chap. 39*

Be it enacted, etc., as follows:

SECTION 1. The town of Holden, for the purposes mentioned in chapter one hundred and eighty of the acts of the year eighteen hundred and ninety-six, may issue bonds, notes or scrip, from time to time, to be denominated on the face thereof, Holden Water Loan, to an amount not exceeding fifteen thousand dollars in addition to the forty thousand dollars authorized by said chapter to be issued for the same purposes. Such bonds, notes or scrip shall be issued upon the terms and conditions and with the powers specified in said chapter for the issue of the original loan. Holden Water Loan.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

AN ACT MAKING AN APPROPRIATION FOR EXTERMINATING
CONTAGIOUS DISEASES AMONG HORSES, CATTLE AND OTHER
ANIMALS. *Chap. 40*

Be it enacted, etc., as follows:

SECTION 1. The sum of sixty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the extermination of contagious diseases among horses, cattle and other animals during the year ending on the thirty-first day of December, nineteen hundred and five. Extermination of contagious diseases among animals.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE
BOARD OF FREE PUBLIC LIBRARY COMMISSIONERS. *Chap. 41*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: — Appropriations.

To carry out the provisions of the act to promote the establishment and efficiency of free public libraries, a sum not exceeding two thousand dollars. Free public libraries.

Expenses.

For clerical assistance to and incidental and necessary expenses of the board of free public library commissioners, the same to include printing and binding the annual report, a sum not exceeding seven hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 3, 1905.

Chap. 42 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS SCHOOL FUND.

Be it enacted, etc., as follows:

Massachusetts
School Fund.

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts School Fund, as provided for by section two of chapter forty-one of the Revised Laws.

SECTION 2. This act shall take effect upon its passage.

Approved February 3, 1905.

Chap. 43 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE HARBOR AND LAND COMMISSIONERS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the board of harbor and land commissioners, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

For the salaries of the commissioners, eighty-seven hundred dollars.

Harbor and
land commis-
sioners,
salaries.Engineer,
clerical assist-
ance, etc.

For the compensation and expenses of the engineer of the commissioners, and for clerical and other assistance authorized by the commissioners, a sum not exceeding twenty-nine thousand dollars.

Travelling
expenses, etc.

For travelling and other necessary expenses of the commissioners, a sum not exceeding seven hundred and fifty dollars.

Office
expenses.

For incidental and contingent office expenses of the commissioners, to include printing and binding their annual report, a sum not exceeding two thousand dollars.

Town bound-
ary atlases.

For printing town boundary atlases, a sum not exceeding three thousand dollars.

Inspection,
etc., of monu-
ments.

For expenses of the examination and inspection of all monuments or other marks defining the boundary lines of

the Commonwealth, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 3, 1905.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES Chap. 44
AT THE MASSACHUSETTS REFORMATORY.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts reformatory, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

For the salaries of officers, a sum not exceeding eighty-two thousand dollars. Appropriations.
Massachusetts reformatory, salaries of officers.

For the salaries and wages of instructors, teachers and other employees, a sum not exceeding twenty-four thousand nine hundred dollars. Instructors, teachers, etc.

For other current expenses, a sum not exceeding one hundred and nine thousand four hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1905.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES Chap. 45
IN THE OFFICE OF THE PRISON COMMISSIONERS, AND FOR
SUNDRY REFORMATORY EXPENSES.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

For the salary of the chairman of the prison commissioners, four thousand dollars. Appropriations.
Prison commissioners, chairman.

For the salary of the secretary of the prison commissioners, twenty-five hundred dollars. Secretary.

For clerical assistance in the office of the prison commissioners, a sum not exceeding forty-seven hundred dollars. Clerical assistance.

For the salaries of the agents of the prison commissioners, fifty-two hundred dollars. Agents.

Travelling
expenses.

For travelling expenses of the prison commissioners, and of the secretary and agents of said commissioners, a sum not exceeding three thousand dollars.

Expenses.

For incidental and contingent expenses of the prison commissioners, including printing and binding the annual report, a sum not exceeding twenty-six hundred dollars.

Agent for aid-
ing discharged
female
prisoners.
Expenses.

For the salary of the agent for aiding discharged female prisoners, one thousand dollars.

For the expenses of the agent for aiding discharged female prisoners, including assistance rendered to such prisoners, a sum not exceeding three thousand dollars.

Aiding prison-
ers discharged
from
reformatory.

For aiding prisoners discharged from the Massachusetts reformatory, a sum not exceeding five thousand dollars.

Aiding prison-
ers discharged
from state
prison.

For aiding prisoners discharged from the state prison, a sum not exceeding three thousand dollars.

Removal of
prisoners.

For expenses incurred in removing prisoners to and from state and county prisons, a sum not exceeding sixteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1905.

Chap. 46 AN ACT MAKING AN APPROPRIATION FOR THE EXPENSE OF
TAKING EVIDENCE AT INQUESTS IN CERTAIN CASES.

Be it enacted, etc., as follows:

Taking
evidence at
inquests in
certain cases.

SECTION 1. The sum of three thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for taking evidence given at inquests in the case of death by accident occurring upon steam and street railways during the year ending on the thirty-first day of December, nineteen hundred and five.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1905.

Chap. 47 AN ACT MAKING AN APPROPRIATION FOR THE WORCESTER
POLYTECHNIC INSTITUTE.

Be it enacted, etc., as follows:

Worcester
Polytechnic
Institute.

SECTION 1. The sum of six thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Worcester Polytechnic Institute, as provided for by chapter one hun-

dred and fifty-seven of the acts of the year eighteen hundred and ninety-nine.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1905.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES Chap. 48
AT THE STATE PRISON.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

For the payment of salaries at the state prison, a sum not exceeding eighty-one thousand dollars. Appropriations.
State prison, salaries.

For other current expenses at the state prison, a sum not exceeding eighty-one thousand dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1905.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES Chap. 49
AT THE REFORMATORY PRISON FOR WOMEN.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the reformatory prison for women, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

For the payment of salaries and wages, a sum not exceeding twenty-five thousand dollars. Appropriations.
Reformatory prison for women, salaries, etc.

For other current expenses, a sum not exceeding thirty-two thousand dollars. Expenses.

For the town of Framingham, toward the annual expense of maintaining and operating the system of sewage disposal at said prison, the sum of six hundred dollars. Town of Framingham.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1905.

Chap. 50 AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the board of registration in pharmacy, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Board of registration in pharmacy, salaries, Expenses.

For the salaries of the members of the board, twenty-four hundred dollars.

For travelling and other expenses of the board, a sum not exceeding fourteen hundred and seventy-five dollars.

Agent.

For the salary and expenses of the agent of the board, a sum not exceeding twenty-four hundred dollars.

Stenographer, witness fees, etc.

For a stenographer, for witness fees, and for other incidental and contingent expenses of the board, the same to include printing the annual report, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1905.

Chap. 51 AN ACT TO CHANGE THE NAME OF THE HAVERHILL SAFE DEPOSIT AND TRUST COMPANY TO THE HAVERHILL TRUST COMPANY.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The name of the Haverhill Safe Deposit and Trust Company, incorporated by chapter one hundred and ten of the acts of the year eighteen hundred and ninety-one, and located in the city of Haverhill, is hereby changed to the Haverhill Trust Company.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1905.

Chap. 52 AN ACT TO EXTEND THE CHARTER OF THE CROMPTON ASSOCIATES.

Be it enacted, etc., as follows:

1893, 410, § 1, amended.

SECTION 1. Section one of chapter four hundred and ten of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out the word "fifteen", in the sixth line, and inserting in place thereof the word: — thirty, — so as to read as follows: — *Section 1.*

Mary C. Crompton, Isabel M. Crompton, Cora E. Crompton, Stella S. Crompton, Georgietta F. Crompton, Mary Catharine Crompton, Charles Crompton and Mildred Crompton Smith, their associates and successors, are hereby made a corporation for the term of thirty years from the date of the passage of this act, by the name of the Crompton Associates; subject to the provisions of chapter one hundred and five of the Public Statutes and to all general corporation laws which now are or hereafter may be in force relating to such corporations, and shall have the powers and be subject to the liabilities and restrictions prescribed therein.

Charter of
Crompton
Associates
extended.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1905.

AN ACT TO AUTHORIZE THE TOWN OF ATTLEBOROUGH TO
ISSUE ADDITIONAL WATER SUPPLY BONDS.

Chap. 53

Be it enacted, etc., as follows:

SECTION 1. The town of Attleborough, for the purposes mentioned in section four of chapter sixty-nine of the acts of the year eighteen hundred and ninety-three, and for the construction of a new well and conduit, the erection of a standpipe on Ide's hill, the payment of the necessary expenses and liabilities of the water department and of the cost of laying water pipes, may issue bonds, notes or scrip, to be denominated on the face thereof, Attleborough Water Supply Bonds, 1905, to an amount not exceeding one hundred and fifty thousand dollars in addition to the amount heretofore authorized by law to be issued by said town for similar purposes. Such bonds, notes or scrip shall be issued upon the terms and conditions and with the powers specified in said chapter sixty-nine for the issue of the Attleborough water supply bonds.

Attleborough
Water Supply
Bonds, 1905.

SECTION 2. This act shall take effect upon its acceptance by the town of Attleborough.

Approved February 9, 1905.

AN ACT MAKING AN APPROPRIATION FOR THE TECHNICAL
EDUCATION FUND, UNITED STATES GRANT.

Chap. 54

Be it enacted, etc., as follows:

SECTION 1. The sum of thirty-two hundred and eighty-five dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue,

Technical
Education
Fund, United
States Grant.

to meet the deficit in interest on the bonds in the Technical Education Fund, United States Grant, as authorized by chapter one hundred and nine of the acts of the year nineteen hundred and three.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1905.

Chap. 55 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE OFFICE OF THE INSURANCE COMMISSIONER.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—

Insurance commissioner.

For the salary of the insurance commissioner, thirty-five hundred dollars.

Deputy.

For the salary of the deputy insurance commissioner, twenty-five hundred dollars.

Actuary.

For the salary of the actuary in the insurance department, two thousand dollars.

Examiner.

For the salary of the examiner in the insurance department, two thousand dollars.

Chief clerk.

For the salary of the chief clerk in the insurance department, two thousand dollars.

Second clerk.

For the salary of the second clerk in the insurance department, fifteen hundred dollars.

Third clerk.

For the salary of the third clerk in the insurance department, twelve hundred dollars.

Additional clerks, etc.

For such additional clerks and assistants as the insurance commissioner may find necessary for the despatch of public business, a sum not exceeding twenty-eight thousand eight hundred and ninety dollars.

Expenses.

For incidental and contingent expenses of the insurance commissioner, a sum not exceeding four thousand dollars.

Annual report.

For printing and binding the annual report of the insurance commissioner, a sum not exceeding forty-six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1905.

AN ACT MAKING APPROPRIATIONS FOR PAYMENT OF STATE AND MILITARY AID AND EXPENSES IN CONNECTION THEREWITH.

Chap. 56

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Appropriations.

For reimbursement of cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding eight hundred and twenty-eight thousand dollars, the same to be paid on or before the tenth day of December in the year nineteen hundred and five.

State and military aid.

For the salary of the commissioner of state aid and pensions, twenty-five hundred dollars.

Commissioner of state aid and pensions.

For the salary of the deputy commissioner of state aid and pensions, two thousand dollars.

Deputy.

For the salary of the chief clerk of the commissioner of state aid and pensions, fifteen hundred dollars.

Chief clerk.

For salaries of the agents of the said commissioner, forty-two hundred dollars.

Agents.

For the salary of the bookkeeper of the said commissioner, thirteen hundred dollars.

Bookkeeper.

For the salaries of additional clerks of the said commissioner, a sum not exceeding thirty-eight hundred and eighty dollars.

Additional clerks.

For incidental and contingent expenses of the said commissioner, to include necessary travel, a sum not exceeding three thousand and twenty dollars.

Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1905.

AN ACT TO AUTHORIZE THE PROPRIETORS OF THE WOODLAWN CEMETERY TO CHANGE THE PAR VALUE OF ITS CAPITAL STOCK.

Chap. 57

Be it enacted, etc., as follows:

SECTION 1. The proprietors of the Woodlawn Cemetery, a corporation established in the year eighteen hundred and eighty-two, under the general laws, and located

The proprietors of the Woodlawn Cemetery may change

par value of
capital stock,
etc.

in the town of Wellesley, may, at a meeting called for the purpose, change the par value of its capital stock from one hundred dollars a share to ten dollars a share, may increase the number of shares from fifty to five hundred, and thereafter may issue ten of the new shares in place of each of the old shares.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1905.

Chap. 58 AN ACT MAKING AN APPROPRIATION FOR SALARIES AND EXPENSES OF THE BOARD OF REGISTRATION IN VETERINARY MEDICINE.

Be it enacted, etc., as follows:

Board of reg-
istration in
veterinary
medicine.

SECTION 1. The sum of one thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the salaries and expenses of the board of registration in veterinary medicine during the year ending on the thirty-first day of December, nineteen hundred and five, as authorized by chapter two hundred and forty-nine of the acts of the year nineteen hundred and three.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1905.

Chap. 59 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE CHIEF OF THE CATTLE BUREAU OF THE STATE BOARD OF AGRICULTURE.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Chief of cattle
bureau.

For the salary of the chief of the cattle bureau, eighteen hundred dollars.

Clerk.

For the salary of the clerk of the chief of the cattle bureau, twelve hundred dollars.

Expenses.

For travelling and other necessary expenses of the chief of the cattle bureau, including extra clerks and stenographers, stationery, and printing and binding the annual report, a sum not exceeding four thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1905.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES. *Chap. 60*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

For medical examiners' fees, a sum not exceeding five hundred dollars. Appropriations.
Medical examiners' fees.

For travelling, clerical and other necessary expenses of the state board of publication, a sum not exceeding one hundred dollars. State board of publication, expenses.

For the payment of damages caused by wild deer, a sum not exceeding five hundred dollars. Damages by wild deer.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year nineteen hundred and five, the sum of three hundred dollars. Repair of roads in Mashpee.

For assistance to the town of Truro in maintaining a section of its county highway known as Beach Point road, a sum not exceeding five hundred dollars. Beach Point road in Truro.

For the support of Sarah J. Robinson, a prisoner in one of the jails in Middlesex county, a sum not exceeding four hundred dollars. Sarah J. Robinson.

For small items of expenditure for which no appropriations have been made, and for cases in which appropriations have been exhausted or have reverted to the Commonwealth in previous years, a sum not exceeding one thousand dollars, to be expended under the direction of the auditor of accounts. Small items of expenditure.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE RAILROAD COMMISSIONERS. *Chap. 61*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Railroad Commissioners' Fund, for the expenses of the railroad commission for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Appropriations.

Railroad commissioners.	For the salaries of the railroad commissioners, thirteen thousand dollars.
Clerk.	For the salary of the clerk of the railroad commissioners, twenty-five hundred dollars.
Assistant clerk.	For the salary of the assistant clerk of the railroad commissioners, a sum not exceeding twelve hundred dollars.
Clerical assistance.	For such additional clerical assistance as the railroad commissioners may find necessary for the proper despatch of public business, a sum not exceeding twelve hundred dollars.
Accountant.	For the salary of the accountant of the railroad commissioners, twenty-five hundred dollars.
Railroad inspectors.	For the salaries and expenses of the railroad inspectors, a sum not exceeding nine thousand dollars.
Experts, etc.	For the compensation of experts or other agents of the railroad commissioners, a sum not exceeding eighty-two hundred dollars.
Rent, messenger, etc.	For rent, care of office and salary of a messenger for the railroad commissioners, a sum not exceeding six thousand dollars.
Stationery, etc.	For books, maps, statistics, stationery, incidental and contingent expenses of the railroad commissioners, a sum not exceeding forty-five hundred dollars.
Stenographer, etc.	For a stenographer and stenographic reports, a sum not exceeding twelve hundred dollars.
Annual report.	For printing and binding the annual report of the railroad commissioners, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1905.

Chap. 62 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE OFFICE OF THE LAND COURT.

Be it enacted, etc., as follows:

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the land court, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —
Land court, judge.	For the salary of the judge of the court, forty-five hundred dollars.

For the salary of the associate judge of the court, forty-five hundred dollars. Associate judge.

For the salary of the recorder of the court, forty-five hundred dollars. Recorder.

For clerical assistance in the office of the court, a sum not exceeding forty-five hundred dollars. Clerical assistance.

For sheriffs' bills, advertising, surveying, examining titles, and sundry incidental expenses, a sum not exceeding twelve thousand five hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE GAS AND ELECTRIC LIGHT COMMISSIONERS. *Chap. 63*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the gas and electric light commissioners, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:— Appropriations.

For the salaries of the commissioners, eleven thousand dollars. Gas and electric light commissioners.

For clerical assistance to the commissioners, a sum not exceeding forty-one hundred dollars. Clerical assistance.

For statistics, books, stationery, and for the necessary expenses of the commissioners, a sum not exceeding twenty-five hundred dollars. Expenses.

For the inspection of electric meters, a sum not exceeding one thousand dollars. Inspection of electric meters.

For the salary of the gas inspector, twenty-five hundred dollars. Gas inspector.

For the salary of the first assistant inspector, fifteen hundred dollars. First assistant.

For the salary of the second assistant inspector, twelve hundred dollars. Second assistant.

For compensation of deputies, travelling expenses, apparatus, office rent and other incidental expenses, a sum not exceeding sixty-five hundred dollars. Deputies, etc.

For printing and binding the annual report of the commissioners, a sum not exceeding sixteen hundred dollars. Annual report.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1905.

Chap. 64 AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF PREMIUMS ON SECURITIES PURCHASED FOR THE MASSACHUSETTS SCHOOL FUND.

Be it enacted, etc., as follows:

Massachusetts
School Fund.

SECTION 1. A sum not exceeding fifty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment by the treasurer and receiver general of premiums on securities purchased for the Massachusetts School Fund, as provided for by section three of chapter forty-one of the Revised Laws.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1905.

Chap. 65 AN ACT TO AUTHORIZE THE CHARLES RIVER BASIN COMMISSION TO CONSTRUCT A TEMPORARY HIGHWAY BRIDGE OVER THE CHARLES RIVER.

Be it enacted, etc., as follows:

1903, 465, § 3,
amended.

SECTION 1. Section three of chapter four hundred and sixty-five of the acts of the year nineteen hundred and three is hereby amended by inserting after the word "commission", in the eighth line, the words: — The commission may construct or otherwise provide a temporary highway bridge and approaches thereto for the use of vehicles and pedestrians during the construction of the dam, — so as to read as follows: — *Section 3.* The commission shall construct across Charles river between the cities of Boston and Cambridge, a dam, at least sufficiently high to hold back all tides and to maintain in the basin above the dam a substantially permanent water level not less than eight feet above Boston base. The dam shall occupy substantially the site of the present Craigie bridge, which shall be removed by the commission. The commission may construct or otherwise provide a temporary highway bridge and approaches thereto for the use of vehicles and pedestrians during the construction of the dam. The dam shall be not less than one hundred feet in width at said water level and a part thereof shall be a highway and the remainder shall be a highway, or a park or parkway, as the commission shall determine. The dam shall be furnished with a lock not less than three hundred and fifty

Dam to be
constructed
across Charles
river, etc.

feet in length between the gates, forty feet in width and thirteen feet in depth below Boston base, and shall be built with a suitable drawbridge or drawbridges, waste-ways and other appliances. The part of the dam used as a highway shall be maintained and operated in the same manner as the Cambridge bridge, and under the laws now or hereafter in force relating to said bridge.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE STATE BOARD OF INSANITY. *Chap. 66*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state board of insanity, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

For travelling, office and contingent expenses of the board, a sum not exceeding forty-five hundred dollars.

For printing and binding the annual report, a sum not exceeding eight hundred dollars.

For salaries of officers and employees, a sum not exceeding twenty-one thousand two hundred dollars.

For transportation and medical examination of state paupers, under the charge of the board, a sum not exceeding nine thousand dollars.

For the support of insane paupers boarded out in families, under the charge of the board, a sum not exceeding thirty-two thousand five hundred dollars.

For board of insane persons in the Boston insane hospital, as provided for by chapter four hundred and fifty-one of the acts of the year nineteen hundred, a sum not exceeding ninety-eight thousand dollars.

For the support of state paupers in the Hospital Cottages for Children, a sum not exceeding seventy-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1905.

Chap. 67 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE DEPARTMENT OF THE TAX COMMISSIONER AND COM-
MISSIONER OF CORPORATIONS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Tax commissioner, etc.

For the salary of the tax commissioner and commissioner of corporations, thirty-five hundred dollars.

Deputy.

For the salary of the deputy tax commissioner, twenty-five hundred dollars.

First clerk.

For the salary of the first clerk in the department of the tax commissioner, two thousand dollars.

Second clerk.

For the salary of the second clerk in the department of the tax commissioner, fifteen hundred dollars.

Clerical assistance.

For such additional clerical assistance as the tax commissioner may find necessary for the despatch of public business, a sum not exceeding nineteen thousand five hundred dollars.

Travelling expenses.

For travelling expenses of the tax commissioner and his deputy, a sum not exceeding five hundred dollars.

Expenses.

For incidental and contingent expenses of the tax commissioner and commissioner of corporations, a sum not exceeding forty-one hundred and fifty dollars.

State valuation.

For expenses of the state valuation, under the direction of the tax commissioner, a sum not exceeding three thousand dollars.

Annual report.

For printing and binding the annual report of the tax commissioner, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1905.

Chap. 68 AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH THE MASSACHUSETTS EXHIBIT AT THE LEWIS AND CLARK CENTENNIAL EXPOSITION.

Be it enacted, etc., as follows:

Transfer of the Massachusetts exhibit to the Lewis and Clark Centen-

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for expenses in

connection with the transfer of the state exhibit from the Louisiana Purchase Exposition to the Lewis and Clark Centennial Exposition at Portland in the state of Oregon, and for installing the same, as authorized by chapter ninety-six of the resolves of the year nineteen hundred and four, the same to be in addition to the five thousand dollars appropriated by chapter four hundred and sixty-one of the acts of the year nineteen hundred and four.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES OF EMPLOYEES AND FOR OTHER NECESSARY EXPENSES IN THE DEPARTMENT OF THE SERGEANT-AT-ARMS. Chap. 69

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the department of the sergeant-at-arms, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

For the salaries of the chief engineer and other employees in the engineer's department, a sum not exceeding twenty-seven thousand five hundred dollars. Appropriations.
Engineer's department.

For the salaries of the watchmen and assistant watchmen at the state house, a sum not exceeding fourteen thousand six hundred dollars. Watchmen.

For the salaries of the sergeant-at-arms' messengers, porters and office boy at the state house, a sum not exceeding ten thousand two hundred dollars. Messengers,
porters, etc.

For rent of telephones and expenses in connection therewith at the state house, a sum not exceeding sixty-three hundred dollars. Telephones.

For heat, light and power at the state house, including coal, water, gas, and the removal of ashes, a sum not exceeding thirty-five thousand dollars. Heat, light,
etc.

For the care of the state house and grounds, including repairs, furniture and repairs thereof, and such expenses as may be necessary at the various buildings now occupied by state departments, a sum not exceeding twenty-four thousand dollars. Care of state
house, etc.

For new furniture and fixtures, a sum not exceeding four thousand dollars. New furniture,
etc.

Matron.

For the salary of the state house matron, a sum not exceeding eight hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1905.

Chap. 70 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF AGRICULTURE, AND FOR SUNDRY AGRICULTURAL EXPENSES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—

Board of agriculture, secretary.

For the salary of the secretary of the state board of agriculture and executive officer of the state dairy bureau, three thousand dollars.

First clerk.

For the salary of the first clerk of the secretary of the state board of agriculture, eighteen hundred dollars.

Second clerk.

For the salary of the second clerk of the secretary of the state board of agriculture, fourteen hundred dollars.

Clerical assistance, etc.

For other clerical assistance in the office of the secretary of the state board of agriculture, and for lectures before the board at its annual and other meetings, a sum not exceeding six hundred dollars.

Annual report.

For printing and binding the annual report of the state board of agriculture, a sum not exceeding six thousand dollars.

Travelling expenses, etc.

For travelling and other necessary expenses of the members of the state board of agriculture, a sum not exceeding fifteen hundred dollars.

Incidental expenses, etc.

For incidental and contingent expenses of the state board of agriculture, to include printing and furnishing extracts from trespass laws, a sum not exceeding eleven hundred dollars.

Expenses of secretary.

For travelling and other necessary expenses of the secretary of the state board of agriculture, a sum not exceeding five hundred dollars.

Farmers' institutes.

For disseminating useful information in agriculture by means of lectures at farmers' institutes, a sum not exceeding three thousand dollars.

Bounties.

For bounties to agricultural societies, a sum not exceeding seventeen thousand four hundred dollars.

For the salary of the general agent of the dairy bureau, twelve hundred dollars. Agent of dairy bureau.

For assistants, experts, chemists, agents, and for other necessary expenses of the state dairy bureau, to include printing the annual report, a sum not exceeding seven thousand dollars. Experts, chemists, etc.

For compensation and expenses of the state nursery inspectors, a sum not exceeding one thousand dollars. Nursery inspectors.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN MEDICINE. Chap. 71

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the board of registration in medicine, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: — Appropriations.

For the salaries of the members of the board, forty-three hundred dollars. Board of registration in medicine.

For travelling and other expenses of the board, a sum not exceeding six hundred dollars. Expenses.

For clerical services, printing, postage, office supplies, and contingent expenses of the members of the board, to include printing the annual report, a sum not exceeding seventeen hundred and fifty dollars. Clerical services, annual report, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1905.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE STATE BOARD OF CHARITY, AND FOR SUNDRY CHARITABLE EXPENSES. Chap. 72

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: — Appropriations.

STATE BOARD OF CHARITY.

State board of charity.	For expenses of the state board of charity, including travelling and other necessary expenses of the members, and salaries and expenses in the central office of the board, a sum not exceeding eight thousand dollars.
Adult poor.	For salaries and expenses in the division of state adult poor, a sum not exceeding forty thousand dollars.
Minor wards.	For salaries and expenses in the division of state minor wards, a sum not exceeding forty-five thousand dollars.
Auxiliary visitors.	For travelling and other necessary expenses of the auxiliary visitors of the state board of charity, a sum not exceeding fourteen hundred dollars.

MISCELLANEOUS CHARITABLE.

Transportation of state paupers.	For transportation of state paupers under charge of the state board of charity, including transportation of prisoners released on probation from the state farm, and travelling and other expenses of probation visitors, a sum not exceeding twelve thousand five hundred dollars.
Indigent and neglected children, etc.	For the care and maintenance of indigent and neglected children and juvenile offenders, for the present year and for previous years, to include expenses in connection with the same, a sum not exceeding two hundred and twenty thousand dollars.
Dangerous diseases.	For expenses in connection with smallpox and other diseases dangerous to the public health, for the present year and for previous years, a sum not exceeding twenty-five thousand dollars.
Instruction of certain children.	For instruction in the public schools in any city or town in the Commonwealth, including transportation to and from such schools, of children boarded or bound out by the state board of charity, for the present year and for previous years, a sum not exceeding twenty-five thousand dollars.
Sick state paupers.	For the support of sick state paupers by cities and towns, for the present year and for previous years, the same to include cases of wife settlement, a sum not exceeding sixty thousand dollars.
Burial of state paupers.	For the burial of state paupers by cities and towns, for the present year and for previous years, a sum not exceeding seventy-five hundred dollars.
Temporary aid.	For temporary aid rendered by cities and towns to state paupers and shipwrecked seamen, for the present year and

for previous years, a sum not exceeding thirty-eight thousand dollars.

For the support and transportation of pauper infants having no settlement in this Commonwealth, including infants in infant asylums, a sum not exceeding sixty thousand dollars. Unsettled pauper infants.

For printing and binding the annual report of the state board of charity, a sum not exceeding two thousand dollars. Annual report.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1905.

AN ACT TO EXTEND THE CLOSE SEASON ON PHEASANTS.

Chap. 73

Be it enacted, etc., as follows:

SECTION 1. Section sixteen of chapter ninety-two of the Revised Laws is hereby amended by striking out in the first and second lines the words "thirteenth day of February in the year nineteen hundred and five", and inserting in place thereof the words:—open season for partridge and quail in the year nineteen hundred and seven,—so as to read as follows:—*Section 16.* Whoever, prior to the open season for partridge and quail in the year nineteen hundred and seven, takes, kills or has in possession, except for the purpose of propagation, a Mongolian, English or golden pheasant shall be punished by a fine of twenty dollars for each bird. R. L. 92, § 16,
amended.

Preservation
of pheasants.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1905.

AN ACT MAKING AN APPROPRIATION FOR THE MEDFIELD INSANE ASYLUM.

Chap. 74

Be it enacted, etc., as follows:

SECTION 1. The sum of two hundred and thirty-five thousand six hundred and ninety-three dollars and thirteen cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Medfield insane asylum during the present year, this sum being based upon the average number of state patients at the rate of two dollars and eighty cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, to include printing and binding Medfield
insane asylum.

the annual report, this amount to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1905.

Chap. 75 AN ACT MAKING AN APPROPRIATION FOR CERTAIN EXPENSES
AT THE TAUNTON INSANE HOSPITAL.

Be it enacted, etc., as follows:

Taunton in-
sane hospital.

SECTION 1. A sum not exceeding nine thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of meeting certain expenses incurred by the trustees of the Taunton insane hospital during the year nineteen hundred and four in anticipation of the receipts of said hospital. This amount to be repaid from the Taunton Insane Hospital Fund as soon as the same is sufficient for the purpose.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1905.

Chap. 76 AN ACT TO AUTHORIZE THE STATE STREET TRUST COMPANY
TO HOLD REAL ESTATE.

Be it enacted, etc., as follows:

State Street
Trust Com-
pany may hold
real estate.

SECTION 1. The State Street Trust Company, incorporated by chapter one hundred and ninety-nine of the acts of the year eighteen hundred and ninety-one, as changed by chapter one hundred and seventy-one of the acts of the year eighteen hundred and ninety-seven, is hereby authorized to invest its surplus, to an amount not exceeding three hundred and fifty thousand dollars, in real estate in the city of Boston suitable for the transaction of its business.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1905.

Chap. 77 AN ACT TO AUTHORIZE THE CAMBRIDGEPORT SAVINGS BANK OF
CAMBRIDGE TO HOLD ADDITIONAL REAL ESTATE.

Be it enacted, etc., as follows:

Cambridgeport
Savings Bank
may hold

SECTION 1. The Cambridgeport Savings Bank, incorporated by chapter forty of the acts of the year eighteen

hundred and fifty-three, is hereby authorized to purchase additional real estate. and hold real estate in the city of Cambridge, not exceeding three hundred thousand dollars in value, for the purposes stated in the eighth clause of section twenty-six of chapter one hundred and thirteen of the Revised Laws.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1905.

AN ACT MAKING AN APPROPRIATION FOR THE TAUNTON INSANE HOSPITAL. Chap. 78

Be it enacted, etc., as follows:

SECTION 1. The sum of one hundred and sixty-one thousand nine hundred and fifty-eight dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Taunton insane hospital Taunton insane hospital. during the present year, this sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, the same to include printing and binding the annual report, this amount to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1905.

AN ACT TO ABOLISH THE SESSIONS OF THE PROBATE COURT FOR THE COUNTY OF HAMPDEN HERETOFORE HELD AT PALMER, AND TO SUBSTITUTE THEREFOR SESSIONS OF SAID COURT AT SPRINGFIELD. Chap. 79

Be it enacted, etc., as follows:

The sessions of the probate court for the county of Hampden that are now provided by law to be held at Palmer are hereby abolished, and in place thereof there shall be held in each year at Springfield a session of said court on the third Wednesday of April, July and November, and on the second Wednesday of January. Sessions of probate court, county of Hampden.

Approved February 15, 1905.

Chap. 80 AN ACT RELATIVE TO DIRECTORS OF STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows:

R. L. 112, § 5,
amended.

Directors of
street railway
companies to
be subscribers,
etc.

SECTION 1. Section five of chapter one hundred and twelve of the Revised Laws is hereby amended by striking out in the second and third lines, the words "and a majority of them shall be inhabitants of the cities and towns in which said railway may be located", so as to read as follows: — *Section 5.* The directors shall be subscribers to the agreement of association. They shall appoint a clerk and a treasurer, who shall hold their respective offices until a clerk and treasurer of the corporation are chosen. The directors shall fill any vacancy in their board, or in the office of clerk or treasurer.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved February 17, 1905.*

Chap. 81 AN ACT RELATIVE TO TAKING SHINERS FOR BAIT IN CERTAIN WATERS.

Be it enacted, etc., as follows:

R. L. 91, § 81,
etc., amended.

Taking of
shiners in cer-
tain waters
for bait per-
mitted, etc.

SECTION 1. Section eighty-one of chapter ninety-one of the Revised Laws, as amended by section one of chapter one hundred and sixteen of the acts of the year nineteen hundred and four, is hereby further amended by inserting after the word "during", in the first line, the words: — October and, — by striking out the words "and December", in the first and second lines; and by inserting after the word "rivers", in the fourth line, the words: — and their tributaries, — so as to read as follows: — *Section 81.* During October and November any person may, for the purpose of taking shiners for bait, draw a net or seine at any point in the Merrimac and Connecticut rivers and their tributaries, except within four hundred yards of any fishway; and if any other fish so caught are immediately returned alive to the waters from which they were taken, the penalties prescribed in sections forty-six, forty-seven, forty-nine, seventy-eight and seventy-nine shall not apply to the taking of such fish.

SECTION 2. This act shall take effect upon its passage.
Approved February 17, 1905.

AN ACT TO INCORPORATE THE PROSPECT HILL CEMETERY ASSO- *Chap. 82*
CIATION.

Be it enacted, etc., as follows:

SECTION 1. Henry Capron, Charles E. Seagrave, William E. Hayward, Arthur Wheelock, Henry W. Parkis, Charles W. Scott, Arthur R. Taft, Samuel F. Scott, Julia B. Thayer, Lucinda S. Hayward, Abbie E. Day, John E. Sayles, Gideon M. Aldrich, Albert A. Sprague, Charles E. Wheelock, Daniel W. Taft, George S. Taft, William J. Taft, Horace E. Gunn and Arthur E. Seagrave, their associates and successors, are hereby made a corporation by the name of the Prospect Hill Cemetery Association, for the purpose of acquiring, holding, maintaining, improving and enlarging, for a place of burial of the dead, certain land set apart and known as the Prospect Hill Cemetery, situated in the town of Uxbridge. Said corporation shall have all the powers and privileges and shall be subject to all the restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

Prospect Hill
Cemetery
Association
incorporated.

SECTION 2. Said corporation is hereby authorized to acquire possession and control of said cemetery, and may purchase from time to time, and may acquire by gift, bequest, devise or otherwise, and may hold so much real and personal property as may be necessary or appropriate for the purposes of said association: *provided*, that nothing herein contained shall affect the individual rights of proprietors in said cemetery.

May acquire,
etc., necessary
real and per-
sonal property.

Proviso.

SECTION 3. All persons now or hereafter owning lots or any interest in lots in said cemetery may become members of the corporation on application to the secretary, and when any person shall cease to be the proprietor of a lot or of an interest in a lot in the lands of the corporation he shall cease to be a member thereof.

Membership.

SECTION 4. The net proceeds of sales of lots in the lands held by said corporation shall be applied to the preservation, improvement, embellishment, protection or enlargement of said cemetery, and to paying the incidental expenses thereof, and to no other purpose.

Net proceeds of
sales of lots to
be applied to
improvement,
etc.

SECTION 5. Said corporation is hereby authorized to take and hold any grant, gift or bequest of property, upon trust, to apply the same or the income thereof to the im-

Grants,
bequests, etc.

provement, embellishment, protection or enlargement of said cemetery, or of any lot therein, or for the erection, repair, preservation or removal of any monument, fence or other structure therein, or for the planting or cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner consistent with the object of said corporation, according to the terms of such grant, gift or bequest.

Officers, care
of cemetery,
etc.

SECTION 6. Said corporation may by its by-laws provide for such officers as may be necessary, and define their powers and duties, and may also provide for the care and management of the cemetery and for the sale of the lots therein, and for the management of any funds which it may hold, and for any other matters incident to the purposes of the corporation.

SECTION 7. This act shall take effect upon its passage.

Approved February 17, 1905.

Chap. 83 AN ACT TO AUTHORIZE THE CITY OF LYNN TO ACQUIRE LAND AT HIGH ROCK FOR A PUBLIC PARK, AND TO COMPLY WITH THE CONDITIONS OF A DEED OF GIFT THEREOF.

Be it enacted, etc., as follows:

City of Lynn
may acquire
land for a
public park.

SECTION 1. The city of Lynn is hereby authorized and empowered to accept the gift of land in that city comprising High Rock, for a public park, and to comply with the conditions of the deed of gift, including the erection of a suitable observatory upon the said High Rock.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1905.

Chap. 84 AN ACT TO EXTEND THE TIME WITHIN WHICH THE GREAT BARRINGTON FIRE DISTRICT MAY SUPPLY THE INHABITANTS OF THE TOWN OF EGREMONT WITH WATER.

Be it enacted, etc., as follows:

1902, 439, § 4,
amended.

SECTION 1. Section four of chapter four hundred and thirty-nine of the acts of the year nineteen hundred and two is hereby amended by striking out the word "three", in the fourth line, and inserting in place thereof the word: — five, — so as to read as follows: — *Section 4.* This act shall take effect upon its passage, but shall become void unless the Great Barrington Fire District shall begin

Time
extended.

to distribute water through its pipes to consumers in the town of Egremont within five years after the date of the passage of this act.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1905.

AN ACT TO AUTHORIZE THE CITY OF MEDFORD TO APPROPRIATE MONEY FOR THE PURPOSE OF CELEBRATING ITS TWO HUNDRED AND SEVENTY-FIFTH ANNIVERSARY. Chap. 85

Be it enacted, etc., as follows:

SECTION 1. The city of Medford is hereby authorized to raise by taxation and to appropriate and expend a sum of money not exceeding three thousand dollars, for the purpose of celebrating, during the current year, the two hundred and seventy-fifth anniversary of the settlement of Medford. City of Medford may appropriate money for a celebration.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1905.

AN ACT TO EXEMPT THE CITY OF CHICOPEE FROM THE PROVISIONS OF LAW RELATIVE TO THE RATE OF TAXATION IN CITIES. Chap. 86

Be it enacted, etc., as follows:

SECTION 1. The city of Chicopee is hereby exempted from the operation of section fifty-four of chapter twelve of the Revised Laws limiting the rate of taxation in cities, until the first day of January in the year nineteen hundred and ten. City of Chicopee exempted from operation of R. L. 12, § 54.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1905.

AN ACT TO INCORPORATE MARION EVERGREEN CEMETERY. Chap. 87

Be it enacted, etc., as follows:

SECTION 1. John F. Luce, William H. Cobb, George B. Nye, Frank B. Coggeshall, Seth G. Mendall, Nathan B. Nye, Lucius Campbell and George B. Nye, second, their associates and successors, are hereby made a corporation by the name of Marion Evergreen Cemetery, for the purpose of acquiring and maintaining as a burial ground certain land set apart and known as Marion Evergreen Cemetery, situated in the town of Marion. Said corpora- Marion Evergreen Cemetery incorporated.

tion shall have all the powers and privileges and shall be subject to all the restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

May acquire,
etc., necessary
real estate or
personal prop-
erty.

SECTION 2. Said corporation is hereby authorized to acquire possession and control of said cemetery, and may purchase from time to time, and may acquire by gift, bequest or devise, and may hold so much real estate or personal property as may be necessary for the purposes of said corporation: *provided*, that nothing herein contained shall affect the individual rights of proprietors in said cemetery.

Proviso.

Membership.

SECTION 3. Only persons who now are or who hereafter become proprietors of lots in the land included in said cemetery, whether by deed or otherwise, and who shall sign the by-laws of said corporation, shall be members of said corporation; and whenever any person shall cease to be the proprietor of a lot, or of any interest in a lot, in said cemetery, he shall cease to be a member of the corporation.

Net proceeds
of sales of lots
to be applied
to improve-
ment, etc.

SECTION 4. The net proceeds of sales of lots in the lands held by said corporation shall be applied to the preservation, improvement, embellishment, protection or enlargement of said cemetery, and to paying the incidental expenses thereof, and to no other purpose.

Grants,
bequests, etc.

SECTION 5. Said corporation is hereby authorized to take and hold any grant, gift or bequest of property, upon trust, to apply the same or the income thereof to the improvement, embellishment or enlargement of said cemetery, or of any lot therein, or for the erection, repair, preservation or removal of any monument, fence or other structure, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner consistent with the object of said corporation, according to the terms of such grant, gift or bequest.

Officers, care of
cemetery, etc.

SECTION 6. Said corporation may by its by-laws provide for such officers as may be necessary, and may also provide for the care and management of the cemetery and for the sale and conveyance of lots therein, and for the care and management of any funds which it may hold, and for any other matters incident to the proper management of the corporation.

SECTION 7. This act shall take effect upon its passage.

Approved February 20, 1905.

AN ACT RELATIVE TO THE OVERSEERS OF THE POOR OF THE CITY OF NEWTON. *Chap. 88*

Be it enacted, etc., as follows:

SECTION 1. The charity department of the city of Newton, established under the provisions of section twenty-four of chapter two hundred and eighty-three of the acts of the year eighteen hundred and ninety-seven, entitled "An Act to revise the charter of the city of Newton", shall hereafter be under the charge of one or more overseers of the poor, as may from time to time be determined by the board of aldermen of said city, by ordinance. Such overseer or overseers of the poor, as the case may be, shall have and exercise all the powers and duties of overseers of the poor, or the board of overseers of the poor of the city of Newton, under general or special laws. Said overseer or overseers shall also be subject to the provisions of clause five of section fourteen of said chapter.

Overseers of the poor, city of Newton, powers and duties, etc.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1905.

AN ACT TO AUTHORIZE THE CITY OF BOSTON AND THE MUSEUM OF FINE ARTS TO EXCHANGE CERTAIN LAND IN AND ABUTTING UPON THE BACK BAY FENS. *Chap. 89*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and ninety of the acts of the year nineteen hundred and four is hereby amended by inserting after the word "conditions", in the second line, the words: — and in such manner, — by striking out the word "avenue", in the fifth line, by inserting after the word "Fens", in the fifth line, the words: — or either of them, — by inserting after the word "avenue", in the ninth line, the words: — may relocate and reconstruct said entrance and the parts of the Back Bay Fens in the vicinity thereof, including filling parts of the area covered by water, — by striking out the words "twenty-three thousand", in the tenth line, and inserting in place thereof the words: — twenty-two thousand five hundred, — by striking out the words "thirty-two thousand", in the twelfth line, and inserting in place thereof the words: — thirty-four thousand five hundred, — by striking out all after the word "lot", in the thir-

1904, 290, § 1, amended.

1904, 290, § 1,
amended.

The city of
Boston and
the Museum of
Fine Arts may
exchange cer-
tain land, etc.

teenth line, down to and including the word "street", in the seventeenth line, and inserting in place thereof the words:— may sell and convey between nine thousand and ten thousand square feet of land included in said Fens and said Huntington entrance on the easterly side of the latter, as a whole or in parcels, at public or private sale, for such price as said board shall fix and the mayor approve, — by striking out the word "either", in the eighteenth line, and inserting in place thereof the word:— any, — and by striking out all after the word "payment", in the nineteenth line, and inserting in place thereof the words:— if any, for said additional lands, and to or toward the cost of making said changes and of relocating and reconstructing said entrance and the parts of the Back Bay Fens in the vicinity thereof, including filling as aforesaid, or may agree with said Museum of Fine Arts to convey said last named land to it upon said Museum of Fine Arts bearing all or a specified part of the said cost, and may make such agreement with said Museum of Fine Arts for the latter to do all or any specified part or parts of the work of relocating and reconstructing, as said board shall deem proper and the mayor approve, — so as to read as follows:— *Section 1.* The city of Boston, by its board of park commissioners, upon such terms and conditions and in such manner as the board shall deem proper and the mayor approve, may change the easterly and westerly lines of the Huntington entrance of the Back Bay Fens, or either of them, so that they will be substantially at right angles with Huntington avenue; may change the southerly line of the Fens where it abuts upon the lot of land owned by the Museum of Fine Arts so that it will be substantially parallel with the avenue; may relocate and reconstruct said entrance and the parts of the Back Bay Fens in the vicinity thereof, including filling parts of the area covered by water; may, to make said changes, convey about twenty-two thousand five hundred square feet of land of said Fens upon receiving a valid conveyance of about thirty-four thousand five hundred square feet of said lot; may sell and convey between nine thousand and ten thousand square feet of land included in said Fens and said Huntington entrance on the easterly side of the latter, as a whole or in parcels, at public or private sale, for such price as said board shall fix and the mayor approve; and may apply the proceeds, if any, resulting from

any of said conveyances, to the payment, if any, for said additional lands, and to or toward the cost of making said changes and of relocating and reconstructing said entrance and the parts of the Back Bay Fens in the vicinity thereof, including filling as aforesaid, or may agree with said Museum of Fine Arts to convey said last named land to it upon said Museum of Fine Arts bearing all or a specified part of the said cost, and may make such agreement with said Museum of Fine Arts for the latter to do all or any specified part or parts of the work of relocating and reconstructing, as said board shall deem proper and the mayor approve.

SECTION 2. This act shall take effect upon its passage.

Approved February 20. 1905.

AN ACT RELATIVE TO AFFIDAVITS TO CERTAIN PETITIONS IN THE PROBATE COURT. *Chap. 90*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and thirty-six of the Revised Laws is hereby amended by inserting after the word "petitioner", in the third line, the words: — or of one of the petitioners, — so as to read as follows: — *Section 1.* A petition for the probate of a will, letters of administration or letters testamentary shall have annexed an affidavit of the petitioner or of one of the petitioners that the statements therein made are true to the best of his knowledge and belief.

R. L. 136, § 1,
amended.

Affidavits to be
annexed to
certain peti-
tions in the
probate court.

SECTION 2. This act shall take effect upon its passage.

Approved February 21. 1905.

AN ACT TO AUTHORIZE THE TOWN OF SHARON TO RENEW CERTAIN BONDS AND TO MAKE AN ADDITIONAL WATER LOAN. *Chap. 91*

Be it enacted, etc., as follows:

SECTION 1. The town of Sharon is hereby authorized to issue bonds, notes or scrip, to be denominated on the face thereof, Sharon Water Loan, to the amount of twenty thousand dollars, for the purpose of retiring the bonds originally issued by the Sharon Water Company, the payment of which the town assumed when it purchased the franchise, corporate property, rights, powers and privileges of the said company under the provisions of chapter

Sharon Water
Loan.

two hundred and forty-one of the acts of the year eighteen hundred and ninety-four.

Additional
bonds, notes
or scrip may
be issued.

SECTION 2. The town of Sharon, for the purposes mentioned in said chapter two hundred and forty-one, and for the further extension and improvement of its water supply system, may issue in addition to the bonds, notes or scrip provided for in section one of this act, bonds, notes or scrip from time to time, to be denominated on the face thereof, Sharon Water Loan, to an amount not exceeding twenty thousand dollars: *provided*, that no source of water supply for domestic purposes shall be taken under this act without the consent of the state board of health, and that the location of all drains, reservoirs and wells shall be subject to the approval of said board.

Proviso.

To be in addi-
tion to amounts
heretofore
authorized,
etc.

SECTION 3. Any bonds, notes or scrip issued under this act shall be in addition to the amounts heretofore authorized by law to be issued by said town, and they shall be issued upon the terms and conditions and with the powers specified in said chapter two hundred and forty-one.

SECTION 4. This act shall take effect upon its passage.

Approved February 21, 1905.

Chap. 92 AN ACT TO PROVIDE FOR THE PERFORMING OF THE DUTIES OF A JUDGE OF PROBATE AND INSOLVENCY ABSENT FROM A CAUSE OTHER THAN SICKNESS OR INTEREST.

Be it enacted, etc., as follows:

In certain
cases of
absence of
judge of
probate, etc.,
duties may be
performed by
judge of
another
county.

SECTION 1. Whenever a judge of probate and insolvency is unable to perform his duties, or any part of them, owing to absence not resulting from sickness or interest, his duties, or such of them as he may specify, may be performed by the judge of probate and insolvency of any other county who may be designated by the judge, or, in case of his failure so to designate, who may be designated by the register of probate and insolvency.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1905.

AN ACT TO TRANSFER TO THE TOWN OF WAKEFIELD THE
TITLE OF THE COMMONWEALTH IN AND TO A CERTAIN ROAD
ROLLER. *Chap. 93*

Be it enacted, etc., as follows:

SECTION 1. The title of the Commonwealth in and to the steam road roller now located in and used by the town of Wakefield is hereby transferred to the said town. Title to road roller transferred to town.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1905.

AN ACT TO AUTHORIZE THE ADAMS GAS LIGHT COMPANY TO
DO BUSINESS IN THE TOWN OF CHESHIRE. *Chap. 94*

Be it enacted, etc., as follows:

SECTION 1. The Adams Gas Light Company is hereby authorized, upon the approval of the selectmen of the town of Cheshire and of the board of gas and electric light commissioners, to carry on the business of furnishing gas and electricity for heat, light and power in the town of Cheshire, with the rights, powers and privileges and subject to the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to such corporations. The Adams Gas Light Company may do business in Cheshire.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1905.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS. *Chap. 95*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state industrial school for girls, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: — Appropriations.

For the payment of salaries and wages, a sum not exceeding twenty thousand seven hundred and seven dollars. Industrial school for girls, salaries, etc.
For current expenses at the said school, a sum not exceeding twenty-seven thousand six hundred and eighty-five dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1905.

Chap. 96 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
AT THE LYMAN SCHOOL FOR BOYS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Lyman school for boys, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—

Lyman school for boys, salaries, etc.

For the payment of salaries and wages, a sum not exceeding thirty-two thousand seven hundred and sixty-six dollars.

Expenses.

For other current expenses at the said school, a sum not exceeding forty-nine thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1905.

Chap. 97 AN ACT MAKING AN APPROPRIATION FOR THE WORCESTER
INSANE HOSPITAL.

Be it enacted, etc., as follows:

Worcester insane hospital.

SECTION 1. The sum of one hundred eighty-seven thousand eight hundred sixty-seven dollars and sixty-eight cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Worcester insane hospital during the present year, this sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws. The amount hereby appropriated is to include the cost of printing and binding the annual report, and is to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS *Chap. 98*
SCHOOL FOR THE FEEBLE-MINDED.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Massachusetts School for the Feeble-Minded, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Appropriations.

For expenses at said institution, the sum of sixty-seven thousand nine hundred and eight dollars, this sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws. The amount hereby appropriated is to include the cost of printing and binding the annual report, and is to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

Massachusetts School for the Feeble-Minded.

For current expenses, in addition to the appropriation for state patients, a sum not exceeding twenty-three thousand dollars.

Expenses.

For the city of Waltham, for the annual assessment due from the Commonwealth toward maintaining and operating a system of sewage disposal at the Massachusetts School for the Feeble-Minded, the sum of eight hundred twenty dollars and eighty-nine cents, as provided for in section three of chapter eighty-three of the acts of the year eighteen hundred and ninety-three.

City of Waltham.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1905.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES *Chap. 99*
AT THE STATE FARM.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state farm, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Appropriations.

State farm,
salaries, etc.

For the payment of salaries and wages, a sum not exceeding fifty-seven thousand dollars.

Expenses.

For other current expenses, including the cost of printing the annual report of said institution, a sum not exceeding one hundred and fifty-five thousand two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1905.

Chap.100 AN ACT MAKING APPROPRIATIONS FOR THE WESTBOROUGH
INSANE HOSPITAL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Westborough insane hospital, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Westborough
insane
hospital.

For the support of the hospital, the sum of one hundred twenty-five thousand three hundred fifteen dollars and seventy-seven cents, this sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws. The sum hereby appropriated is to include the cost of printing and binding the annual report, and is to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

Expenses.

For current expenses at said institution, in addition to the appropriation for state patients and the receipts, a sum not exceeding ten thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1905.

Chap.101 AN ACT MAKING AN APPROPRIATION FOR THE DANVERS IN-
SANE HOSPITAL.

Be it enacted, etc., as follows:

Danvers in-
sane hospital.

SECTION 1. The sum of two hundred eleven thousand eight hundred sixty dollars and eighty-nine cents is hereby appropriated, to be paid out of the treasury of the Com-

monwealth from the ordinary revenue, for the support of the Danvers insane hospital during the present year, this sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws. The sum hereby appropriated is to include the cost of printing and binding the annual report, and is to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS Chap. 102
HOSPITAL FOR EPILEPTICS.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts hospital for epileptics, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—

Appropriations.

For the support of the hospital, the sum of forty-six thousand five hundred six dollars and eight cents, this sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws. The amount hereby appropriated is to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

Massachusetts hospital for epileptics.

For current expenses, in addition to the appropriation for state patients and the receipts of said hospital, to include the cost of printing the annual report, a sum not exceeding thirty-four thousand four hundred eighteen dollars and seventy-five cents.

Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1905.

*Chap.*103 AN ACT MAKING AN APPROPRIATION FOR THE NORTHAMPTON
INSANE HOSPITAL.

Be it enacted, etc., as follows:

Northampton
insane
hospital.

SECTION 1. The sum of one hundred twenty-three thousand sixty-one dollars and fifty-nine cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Northampton insane hospital during the present year, this sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws. The amount hereby appropriated is to include the cost of printing and binding the annual report, and is to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1905.

*Chap.*104 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE DEPARTMENT OF THE ATTORNEY-GENERAL.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—

Attorney-general, salary.

For the salary of the attorney-general, five thousand dollars.

Assistants,
etc.

For the compensation of assistants in the office of the attorney-general, and for such additional legal assistance as may be deemed necessary in the discharge of his duties, and also for other necessary expenses in his department, a sum not exceeding forty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1905.

AN ACT TO AUTHORIZE THE CITY OF EVERETT TO EXTEND, *Chap.105*
RENEW OR REFUND A PART OF ITS EXISTING INDEBTED-
NESS.

Be it enacted, etc., as follows:

SECTION 1. The city of Everett is hereby authorized to extend, renew or refund a part of its existing indebtedness, and for that purpose may issue in each year for the next ten years, bonds, notes or scrip to an amount not exceeding twenty-five thousand dollars, payable within a period not exceeding twenty-five years from the date of issue, and bearing interest payable semi-annually at a rate not exceeding four per cent per annum. Such bonds, notes or scrip may be sold at public or private sale, and the proceeds thereof shall be used to discharge an equal amount of the annual maturing indebtedness of the city. The provisions of chapter twenty-seven of the Revised Laws and of any amendments thereof shall, so far as they may be applicable, apply to the indebtedness authorized hereby and to the securities issued therefor; and the bonds, notes or scrip issued under authority of this act shall not exceed the limit of municipal indebtedness fixed by law.

City of
Everett may
issue bonds,
notes or
scrip, etc.

R. L. 27, etc.,
to apply.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1905.

AN ACT RELATIVE TO REWARDS FOR KILLING DOGS FOUND TO *Chap.106*
HAVE WORRIED, MAIMED OR KILLED SHEEP OR CERTAIN
OTHER DOMESTIC ANIMALS.

Be it enacted, etc., as follows:

Section one hundred and fifty-two of chapter one hundred and two of the Revised Laws is hereby amended by striking out the word "ten", in the second line, and inserting in place thereof the word: — twenty-five, — so as to read as follows: — *Section 152.* The mayor and aldermen of a city or the selectmen of a town may offer a reward of not more than twenty-five dollars for the killing of any dog found to have worried, maimed or killed any sheep, lambs, fowls or other domestic animals, thereby causing damages for which their owner may become entitled to compensation from the dog fund as provided for in the preceding section, or for evidence which shall determine to the satisfaction of such mayor and aldermen or such selectmen who is the owner or keeper of the dog

R. L. 102, § 152,
amended.

Rewards for
killing dogs
found to have
worried, etc.,
domestic
animals.

by which such damage is done. The county commissioners, except in the county of Suffolk, are authorized and directed to pay the said reward from the dog fund upon a certificate signed by the mayor and aldermen or selectmen.

Approved February 23, 1905.

Chap. 107 AN ACT TO ESTABLISH A SEPARATE EQUITY DOCKET FOR THE SUPERIOR COURT FOR THE COUNTY OF ESSEX.

Be it enacted, etc., as follows:

R. L. 159, § 11,
amended.

SECTION 1. Section eleven of chapter one hundred and fifty-nine of the Revised Laws is hereby amended by striking out the word "and", in the third line, and by inserting after the word "Middlesex", in the same line, the words:— and Essex,— so as to read as follows:—

Docket entry
of equity suits.

Section 11. Suits in equity in the superior court shall be entered on the same docket as other cases, except in the counties of Suffolk, Middlesex and Essex, where they shall be entered upon a separate equity docket. All processes shall be returnable at the return day occurring next after fourteen days from the date of the process, if required to be served fourteen days before the return day, or at the return day occurring next after thirty days from such date if required to be served thirty days before the return day, or at any rule day within three months after the date of the process.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1905.

Chap. 108 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF EDUCATION, AND FOR SUNDRY EDUCATIONAL EXPENSES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—

State board of
education,
salaries, etc.

For the salaries of the secretary and agents of, and for clerical assistance to, the state board of education, a sum not exceeding seventeen thousand dollars.

Expenses.

For incidental and contingent expenses of said board, and of the secretary thereof, a sum not exceeding two thousand dollars.

For travelling and other expenses of the members of said board, a sum not exceeding one thousand dollars.

Travelling,
etc., expenses
of members
of board.

For the travelling expenses of persons employed under the direction of said board, a sum not exceeding two thousand dollars.

Travelling
expenses of
persons
employed.

For the support of the state normal school at Bridgewater, a sum not exceeding forty-six thousand nine hundred and eighty-one dollars.

State normal
schools,
Bridgewater.

For the support of the state normal school at Fitchburg, a sum not exceeding twenty-eight thousand six hundred dollars.

Fitchburg.

For the support of the state normal school at Framingham, a sum not exceeding thirty-three thousand and seventy-three dollars.

Framingham.

For the support of the state normal school at Hyannis, a sum not exceeding twenty-two thousand five hundred and ninety-five dollars.

Hyannis.

For the support of the state normal school at Lowell, a sum not exceeding twenty-nine thousand six hundred and thirty-five dollars.

Lowell.

For the support of the state normal school at North Adams, a sum not exceeding thirty thousand eight hundred ninety-seven dollars and thirty-three cents.

North Adams.

For the support of the state normal school at Salem, a sum not exceeding thirty thousand nine hundred and seventy-five dollars.

Salem.

For the support of the state normal school at Westfield, a sum not exceeding twenty-nine thousand seven hundred and seventy dollars.

Westfield.

For the support of the state normal school at Worcester, a sum not exceeding twenty-four thousand six hundred and thirty-five dollars.

Worcester.

For the support of the state normal art school, a sum not exceeding thirty-one thousand one hundred and twenty-six dollars.

State normal
art school.

For the expenses of teachers' institutes, a sum not exceeding fifteen hundred dollars.

Teachers'
institutes.

For the Massachusetts Teachers' Association, the sum of three hundred dollars, subject to the approval of the state board of education.

Massachusetts
Teachers'
Association.

For expenses of county teachers' associations, a sum not exceeding six hundred and fifty dollars.

County
teachers'
associations.

For the Dukes County Educational Association, the sum of fifty dollars.

Dukes County
Educational
Association.

Aid to pupils
in state nor-
mal schools.

For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual instalments, to be expended under the direction of the state board of education.

School super-
intendents in
small towns.

To enable small towns to provide themselves with school superintendents, a sum not exceeding ninety-four thousand five hundred dollars.

Education of
deaf pupils.

For the education of deaf pupils of the Commonwealth in the schools designated by law, a sum not exceeding eighty-seven thousand dollars.

School blanks.

For school registers and other school blanks for the cities and towns of the Commonwealth, a sum not exceeding twelve hundred dollars.

Annual report.

For printing and binding the annual report of the state board of education, a sum not exceeding three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1905.

Chap. 109 AN ACT RELATIVE TO CERTAIN PAYMENTS TO BE MADE TO THE
WORCESTER POLYTECHNIC INSTITUTE.

Be it enacted, etc., as follows:

Worcester
Polytechnic
Institute.

SECTION 1. There shall be paid annually from the treasury of the Commonwealth to the treasurer of the Worcester Polytechnic Institute, from the first day of September in the year nineteen hundred and five, the sum of ten thousand dollars.

Scholarships.

SECTION 2. In consideration of such payment and of the grant made by chapter fifty-seven of the resolves of the year eighteen hundred and sixty-nine the Worcester Polytechnic Institute shall maintain forty free scholarships, of which each senatorial district in the Commonwealth shall be entitled to one if a candidate is presented who is otherwise unable to bear the expense of tuition. In case no such candidate appears from a senatorial district then a candidate may be selected from the state at large to fill such vacancy, who may continue to hold the scholarship annually until a candidate is presented from the senatorial district unrepresented.

Scholarships,
how awarded.

SECTION 3. The scholarships shall be awarded to such pupils of the public schools of Massachusetts as shall be found upon examination to possess the qualifications prescribed for the admission of students to said institute, and

as shall be selected by the board of education, preference in the award being given only to qualified candidates otherwise unable to bear the expense of tuition.

SECTION 4. Chapter seventy-two, and so much of chapter fifty-seven of the resolves of the year eighteen hundred and sixty-nine as relates to state scholarships, and chapter four hundred and seven of the acts of the year eighteen hundred and ninety-six, and chapter one hundred and fifty-seven of the acts of the year eighteen hundred and ninety-nine, are hereby repealed.

Approved February 24, 1905.

AN ACT RELATIVE TO MASTERS IN CHANCERY.

Chap. 110

Be it enacted, etc., as follows:

SECTION 1. A master in chancery may approve bonds or perform any other official act in any county, but he shall not perform any official act in a case arising in any county other than the county for which he was appointed.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1905.

AN ACT RELATIVE TO THE OPENING OF THE POLLS AT ELECTIONS IN TOWNS.

Chap. 111

Be it enacted, etc., as follows:

SECTION 1. The third paragraph of section two hundred and thirteen of chapter eleven of the Revised Laws is hereby amended by inserting before the word "six",

R. L. 11, § 213,
amended.

in the second line of that paragraph, the words: — fifteen minutes before, — so that said paragraph will read as follows: — In towns, at the election of state and town officers, the polls may be opened as early as fifteen minutes before six o'clock in the forenoon and shall be opened as early as twelve o'clock, noon, and shall be kept open at least four hours, and until the time specified in the warrant when they may be closed; and they may be kept open for such longer time as the meeting shall direct, but they shall not be kept open after the hour of sunset. At annual town meetings they shall be kept open at least one hour for the reception of votes upon the question of licensing the sale of intoxicating liquors. After an announcement has been made by the presiding officer of a time so

Time of opening and closing polls at elections in towns.

fixed for closing the polls they shall not be closed at an earlier hour.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1905.

Chap.112 AN ACT TO EXTEND THE CORPORATE POWERS OF THE PLYMOUTH, CARVER AND WAREHAM STREET RAILWAY COMPANY AND THE TIME FOR THE CONSTRUCTION OF ITS ROAD.

Be it enacted, etc., as follows:

Time extended.

SECTION 1. The time within which the Plymouth, Carver and Wareham Street Railway Company is required to build and put in operation its road is hereby extended until the thirty-first day of May, nineteen hundred and seven.

Corporate powers, etc., to continue in force, etc.

SECTION 2. The corporate powers of said company, and all the authority, powers and privileges now possessed by it, shall not cease but shall continue in full force and effect, notwithstanding any failure of the said company to build and put in operation some portion of its road within eighteen months from the date of the certificate of its establishment, to wit:— the twentieth day of November, nineteen hundred and three: *provided*, that said company shall build and put in operation its road within the time specified herein.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved February 27, 1905.

Chap.113 AN ACT TO AUTHORIZE THE TOWN OF WATERTOWN TO CONSTRUCT A SCHOOL HOUSE IN SALTONSTALL PARK, AND TO INCUR INDEBTEDNESS THEREFOR.

Be it enacted, etc., as follows:

Town of Watertown may construct a school house, etc.

SECTION 1. The town of Watertown is hereby authorized to construct a school house in Saltonstall park or in such other location as may be selected by vote of the town, and to expend therefor a sum not exceeding seventy thousand dollars, which sum shall not be reckoned in determining the legal limit of indebtedness of the town.

May issue bonds, notes or scrip, etc.

SECTION 2. For the above purposes the town may issue bonds, notes or scrip, payable within such periods, not exceeding twenty years from their date, and bearing such rate of interest, not exceeding four and one half per cent

per annum, payable semi-annually, as the town may determine. The town shall at the time of authorizing the said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within twenty years; and thereafter, without further action of the town, the amount required for such payments shall be assessed by the assessors of the town every year, in the same manner in which other taxes are assessed, under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt is extinguished. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the said loan and to the securities issued therefor.

R. L. 27 to apply.

SECTION 3. This act shall take effect upon its passage.

Approved February 27, 1905.

AN ACT MAKING APPROPRIATIONS FOR CONTINUING THE PUBLICATION OF THE PROVINCE LAWS.

Chap. 114

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of completing the preparation and publication of the acts and resolves of the province of Massachusetts Bay, during the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Appropriations.

For the salary of the editor, the sum of two thousand dollars.

Province laws, editor.

For the salary of the chief clerk, fifteen hundred dollars.

Chief clerk.

For clerical service and a messenger, a sum not exceeding thirty-four hundred dollars.

Clerical service, etc.

For stationery, postage, travelling and other necessary expenses, a sum not exceeding two hundred dollars.

Expenses.

For printing and binding such volumes as may be completed, a sum not exceeding fifty-three hundred dollars.

Printing and binding.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1905.

Chap.115 AN ACT RELATIVE TO DECENNIAL RETURNS OF OVERSEERS OF THE POOR.

Be it enacted, etc., as follows:

R. L. §1, § 41,
amended.

Decennial
returns of
overseers of
the poor.

SECTION forty-one of chapter eighty-one of the Revised Laws is hereby amended by striking out the said section and inserting in place thereof the following: — *Section 41.* In the year nineteen hundred and five and in every tenth year thereafter the return of the overseers of the poor shall contain true and correct answers to such additional inquiries as the state board of charity may deem it advisable to make.

Approved February 28, 1905.

Chap.116 AN ACT RELATIVE TO THE MASSACHUSETTS HORTICULTURAL SOCIETY.

Be it enacted, etc., as follows:

Massachusetts
Horticultural
Society,
treasurer and
secretary.

SECTION 1. The Massachusetts Horticultural Society is hereby authorized to choose its treasurer and secretary in such manner and by such committees or other officers as its by-laws may from time to time prescribe.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1905.

Chap.117 AN ACT MAKING AN APPROPRIATION FOR MAINTAINING THE INDUSTRIAL CAMP FOR PRISONERS.

Be it enacted, etc., as follows:

Industrial
camp for
prisoners,
salaries, etc.

SECTION 1. The sum of seventeen thousand five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for salaries and expenses at the industrial camp for prisoners, during the year ending on the thirty-first day of December, nineteen hundred and five.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1905.

Chap.118 AN ACT MAKING APPROPRIATIONS FOR CERTAIN EXPENSES OF THE TRUSTEES OF THE LYMAN AND INDUSTRIAL SCHOOLS.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth

from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

For travelling and other necessary expenses of the trustees of the Lyman and industrial schools, including the cost of printing and binding their annual report, a sum not exceeding twelve hundred dollars. Trustees of the Lyman and industrial schools, expenses.

For salaries and expenses of such agents as the trustees of the Lyman and industrial schools may deem necessary to employ, a sum not exceeding nine thousand dollars. Agents.

For expenses in connection with boarding out children from the Lyman school for boys, under the authority of the trustees thereof, a sum not exceeding five thousand dollars. Boarding out children.

For expenses in connection with the care of probationers from the state industrial school, including the cost of boarding out and other expenses of girls on probation, under the authority of the trustees of the Lyman and industrial schools, a sum not exceeding nine thousand dollars. Care of probationers.

For instruction in the public schools in any city or town of the Commonwealth, of children boarded out or bound out by the trustees of the Lyman and industrial schools, a sum not exceeding eight hundred and twenty-five dollars. Instruction in public schools.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1905.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES Chap. 119
AT THE STATE HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the state hospital, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: — Appropriations.

For the payment of salaries and wages, a sum not exceeding fifty-four thousand dollars. State hospital, salaries, etc.

For other current expenses, including the cost of printing and binding the annual report of said institution, a sum not exceeding one hundred seventy-three thousand three hundred and twenty-five dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1905.

Chap.120 AN ACT RELATIVE TO THE CITY HOSPITAL OF THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

The city of Worcester may establish, etc., a morgue.

SECTION 1. The city of Worcester is hereby authorized to establish and maintain a morgue, in connection with the hospital authorized by chapter three hundred and thirty-nine of the acts of the year eighteen hundred and seventy-one, and its city council shall have power to make such ordinances, rules and regulations respecting the said morgue as it may deem expedient.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1905.

Chap.121 AN ACT MAKING AN APPROPRIATION FOR THE WORCESTER INSANE ASYLUM.

Be it enacted, etc., as follows:

Worcester insane asylum.

SECTION 1. The sum of one hundred thirty-two thousand seventy-two dollars and thirty-two cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Worcester insane asylum during the present year, this sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections six, one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws. The amount hereby appropriated is to include the cost of printing and binding the annual report, and is to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1905.

Chap.122 AN ACT TO PROVIDE FURTHER FOR THE PROTECTION OF QUAIL ON THE ISLAND OF NANTUCKET.

Be it enacted, etc., as follows:

Protection of quail on island of Nantucket.

SECTION 1. It shall be unlawful to take, kill or have in possession any quail on the island of Nantucket at any

time within three years after the first day of March in the year nineteen hundred and five.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of twenty dollars for every quail taken, killed or had in possession contrary to the provisions hereof. Penalty.

Approved March 2, 1905.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
IN THE DEPARTMENT OF THE ADJUTANT GENERAL, AND FOR
SUNDRY MILITARY EXPENSES. Chap. 123

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: — Appropriations.

For the salary of the adjutant general, thirty-six hundred dollars. Adjutant general.

For the salaries of the six clerks in the adjutant general's department, ninety-two hundred dollars. Clerks.

For the salary of the messenger in the adjutant general's department, eight hundred dollars. Messenger.

For such additional clerical assistance as the adjutant general may find necessary, and for the compensation of employees at the state arsenal, a sum not exceeding sixty-three hundred dollars. Clerical assistance.

For incidental and contingent expenses in the adjutant general's department, a sum not exceeding thirty-five hundred dollars. Expenses.

For printing and binding the annual report of the adjutant general, a sum not exceeding one thousand dollars. Annual report.

For compensation of officers and men of the volunteer militia, a sum not exceeding one hundred and sixty thousand dollars. Militia, compensation.

For the transportation of officers and men of the volunteer militia, when on military duty, a sum not exceeding eighteen thousand dollars. Transportation.

For expenses in connection with the rifle practice of the volunteer militia, a sum not exceeding twenty-four thousand dollars. Rifle practice.

For an allowance to commissioned officers of the militia toward the purchase of uniforms, a sum not exceeding seventeen thousand dollars. Allowance to officers toward purchase of uniforms.

Allowance to officers for care of property.	For allowance to officers of the militia for the care and responsibility of property, a sum not exceeding five thousand dollars.
Clothing.	For allowance and repairs of clothing of the volunteer militia, a sum not exceeding ninety-six hundred dollars.
Rent of armories, etc.	For rent of brigade and battalion headquarters and company armories, a sum not exceeding twenty-eight thousand dollars.
Care, etc., of armories.	For heating, lighting, furnishing and caring for the armories recently erected in certain cities of the Commonwealth for the use of the volunteer militia, a sum not exceeding thirty-eight thousand dollars.
Janitors.	For services of janitors of certain armories, a sum not exceeding six thousand dollars.
Quartermasters' supplies.	For quartermasters' supplies, a sum not exceeding eleven thousand dollars.
Expenses.	For incidental and contingent expenses of the quartermaster general's department, a sum not exceeding six thousand dollars.
Military accounts.	For expenses in connection with military accounts not otherwise provided for, a sum not exceeding four thousand dollars.
Camp ground, etc.	For grading and care of the camp ground and buildings of the Commonwealth at Framingham, a sum not exceeding two thousand dollars.
Care, etc., of U. S. steamer Inca.	For furnishing, repairing and caring for the United States steamer Inca, a sum not exceeding twelve hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1905.

Chap. 124 AN ACT TO PROVIDE FOR SALE OF REAL ESTATE BY PUBLIC ADMINISTRATORS.

Be it enacted, etc., as follows:

1903, 260, § 1,
amended.

SECTION 1. Section one of chapter two hundred and sixty of the acts of the year nineteen hundred and three is hereby amended by striking out the words "the same", in the fifth line, and inserting in place thereof the word:—such,—by striking out the words "the same", in the sixth line, and inserting in place thereof the word:—such,—by striking out the word "which", in the sixth line, and inserting in place thereof the word:—as,—and by inserting a comma after the word "orders", in said sixth

line, so as to read as follows: — *Section 1.* The probate court may, upon the petition of a public administrator, with the consent of all parties interested or after notice, license him to sell the real property or any undivided interest therein belonging to the estate of the intestate, in such manner and upon such notice as the court orders, for the purpose of distribution; and the net proceeds of such sale, after deducting the expenses thereof and such amount as may be required for the payment of debts in consequence of a deficiency in the personal property, shall, after two years from the time of the filing of the administrator's bond, or in case he has filed a general bond after two years from the date of his appointment, be distributed to the persons who would have been entitled to said real property in the proportions to which they would have been entitled had it not been sold.

Sale of real estate by public administrators, etc.

SECTION 2. Any license heretofore granted by a probate court to a public administrator to sell the real estate of an intestate, obtained on proceedings in conformity with the requirements of the foregoing section, and any sale heretofore made in pursuance of such a license are hereby ratified and confirmed.

Certain sales confirmed, etc.

SECTION 3. This act shall take effect upon its passage.

Approved March 3, 1905.

AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR SUNDRY EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND FOUR.

Chap. 125

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for certain expenses in excess of the appropriations therefor in the year nineteen hundred and four, to wit: —

Appropriations.

For blank forms for town officers, the sum of twenty-nine dollars and four cents.

Blank forms for town officers.

For printing and binding public documents, the sum of one thousand twenty-seven dollars and fifty-one cents.

Public documents.

For printing the report of capital trials, the sum of one thousand fifty-seven dollars and fifty-four cents.

Capital trials.

For travelling and incidental expenses of the commissioners of savings banks, the sum of two hundred thirty-one dollars and sixty-seven cents.

Commissioners of savings banks.

Railroad commissioners, messenger, etc.	For rent, care of office and salary of a messenger for the railroad commissioners, the sum of ninety dollars and forty-eight cents.
Tuition of certain children.	For the payment of the tuition of children attending school outside of the town in which they reside, the sum of five thousand five hundred eighty-three dollars and seventy-five cents.
Gas and electric light commissioners.	For certain expenses of the gas and electric light commissioners, the sum of four hundred seven dollars and eighty cents.
Board of registration in veterinary medicine.	For expenses of the board of registration in veterinary medicine, the sum of five hundred sixty-one dollars and seventy cents.
Highway commission.	For travelling and other expenses of the Massachusetts highway commission, the sum of two hundred ninety-eight dollars and fifty-nine cents.
Hospital Cottages for Children.	For the Hospital Cottages for Children, the sum of three hundred sixteen dollars and seventy-two cents.
Transportation of paupers.	For the transportation of paupers under the charge of the state board of insanity, the sum of twelve hundred ninety dollars and seven cents.
Support of pauper infants.	For the support of pauper infants, the sum of twenty-six hundred thirty-two dollars and ninety-eight cents.
Militia, clothing.	For allowance for clothing, and for repair of the same, of the Massachusetts militia, the sum of six hundred seven dollars and sixty-seven cents.
Care, etc., of armories.	For heating, lighting and caring for state armories, the sum of seventy-four hundred seventy-three dollars and eighty-seven cents.
Quartermaster general's department.	For incidental and contingent expenses of the quartermaster general's department, the sum of three thousand sixteen dollars and twenty-six cents.
Quartermasters' supplies.	For quartermasters' supplies, the sum of seven hundred thirteen dollars and forty-three cents.
Military accounts.	For expenses in connection with military accounts not otherwise provided for, the sum of one hundred fifty-six dollars and four cents.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE STATE FORESTER. Chap.126

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

For the salary of the state forester, two thousand dollars. Appropriations.
State forester, salary.
Expenses.
For the clerical assistance and incidental and contingent expenses of the state forester, a sum not exceeding four thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1905.

AN ACT RELATIVE TO THE APPOINTMENT OF CONSERVATORS OF THE PROPERTY OF NON-RESIDENTS. Chap.127

Be it enacted, etc., as follows:

SECTION 1. Section forty of chapter one hundred and forty-five of the Revised Laws, as amended by section one of chapter ninety-six of the acts of the year nineteen hundred and three, is hereby further amended by inserting after the word “resides”, in the fourth line, the words: — or, if he resides out of the Commonwealth, the probate court of any county in which he has property, — so as to read as follows: — *Section 40.* If a person by reason of advanced age or mental weakness is unable to properly care for his property the probate court of the county in which he resides, or, if he resides out of the Commonwealth, the probate court of any county in which he has property, may, upon his petition or upon the petition of one or more of his friends, appoint a conservator of his property. Upon the filing of such petition, the court shall appoint a time and place for a hearing, and shall cause at least fourteen days’ notice thereof to be given to the person for whom a conservator is to be appointed if he is not the petitioner. If at the hearing it appears that such person is incapable of properly caring for his property a conservator shall be appointed who shall have the charge and management of such property subject to the direction of the court. Such conservator may be discharged by the probate

R. L. 145, § 40, etc., amended.

Conservators of property of aged persons, etc., appointment, etc.

court upon the application of the ward, or otherwise, when it appears that the conservatorship is no longer necessary. But a conservator of the property of a married person shall not be appointed or discharged without such notice as the court may order to the husband or wife of such person.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1905.

*Chap.*128 AN ACT RELATIVE TO THE MASSACHUSETTS SCHOOL AND HOME
FOR CRIPPLED AND DEFORMED CHILDREN.

Be it enacted, etc., as follows:

1904, 446, § 13,
amended.

Prisons and
Hospitals
Loan.

SECTION 1. Section thirteen of chapter four hundred and forty-six of the acts of the year nineteen hundred and four, being "An Act to establish the Massachusetts school and home for crippled and deformed children", is hereby amended by striking out the whole section and inserting in place thereof the following: — *Section 13.* For the purpose of meeting expenses incurred under the provisions of this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding three hundred thousand dollars, for a term not exceeding thirty years. Such scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent per annum. They shall be designated on the face thereof, Prisons and Hospitals Loan, shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest shall be paid at the times specified therein in gold coin of the United States or its equivalent; and such scrip or certificates shall be sold or disposed of at public auction, or in such other mode, and at such times and prices, and in such amounts, as the treasurer shall deem best. The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prisons and Hospitals Loan Sinking Fund, shall also be maintained for the purpose of extinguishing the bonds issued under the authority of this act, and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the

Sinking fund.

issue of said bonds. Any premiums received from the sale thereof shall be paid into the sinking fund. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1905.

AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH THE PURIFICATION OF MYSTIC RIVER. Chap.129

Be it enacted, etc., as follows:

SECTION 1. The sum of thirty-five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to be expended under the direction of the state board of health, for preparing a report with plans in reference to purifying Mystic river, Alewife brook and the adjacent water courses, ponds and drainage areas, as provided for by section two of chapter four hundred and forty-five of the acts of the year nineteen hundred and four.

Purification of
Mystic river,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1905.

AN ACT RELATIVE TO CERTAIN DAMAGES TO BE PAID BY THE HAVERHILL AND BOXFORD STREET RAILWAY COMPANY. Chap.130

Be it enacted, etc., as follows:

Section four of chapter four hundred and forty-nine of the acts of the year nineteen hundred and four is hereby amended by adding at the end thereof the following:—

The said company shall pay all damages to property sustained by any person or corporation by the taking of any lands, buildings, wharves, piers and structures, or by any other thing done by said company under the authority of this act; and upon application of the owner of any lands or other property taken or injured under this act the county commissioners for the county of Essex shall require said company to give satisfactory security for the payment of all damages and costs which may be awarded to such owner for such taking or injury; but before requiring such security the said county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking or injury, and

1904, 449, § 4,
amended.

Certain dam-
ages to be paid
by the Haver-
hill and Box-
ford Street
Railway Com-
pany.

the said county commissioners shall in like manner require further security if at any time the security before required appears to them to have become insufficient; and all the right or authority of said company to enter upon or use such land or other property, except for the purpose of making surveys, shall be suspended until it gives the security required as aforesaid. *Approved March 7, 1905.*

Chap.131 AN ACT MAKING AN APPROPRIATION FOR A DEFICIENCY IN THE APPROPRIATION IN THE YEAR NINETEEN HUNDRED AND FOUR FOR THE EXTERMINATION OF DISEASES AMONG HORSES, CATTLE AND OTHER ANIMALS.

Be it enacted, etc., as follows:

Extermination
of diseases
among
animals.

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet certain expenses in the year nineteen hundred and four, in connection with the extermination of diseases among horses, cattle and other animals.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1905.

Chap.132 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS BEYOND ITS DEBT LIMIT, FOR WATER SUPPLY PURPOSES.

Be it enacted, etc., as follows:

Beverly Water
Loan, Act of
1905.

SECTION 1. The city of Beverly, for the purpose of relaying pipes and of improving and extending its system of water supply, may from time to time issue negotiable notes or bonds to an amount not exceeding one hundred thousand dollars in addition to the amount which it is now authorized to issue, to be denominated on the face thereof, Beverly Water Loan, Act of 1905, and to bear interest at a rate not exceeding four per cent per annum, payable semi-annually.

Not to be in-
cluded in
determining
debt limit, etc.

SECTION 2. Such notes or bonds shall be payable within such periods, not exceeding thirty years from the dates of issue, as the city council shall from time to time determine, and, except as otherwise provided herein, shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and of acts in amendment thereof and

in addition thereto; and they shall not be included in determining the legal limit of indebtedness of the city.

SECTION 3. The city council of said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and, without further action by the city council, the amount required for such payments shall be assessed by the assessors of said city in each year in the same manner in which other taxes are assessed by law, until the debt incurred by the city shall be extinguished.

SECTION 4. This act shall take effect upon its passage.

Approved March 7, 1905.

AN ACT TO ESTABLISH THE OFFICE OF CLERK OF THE DISTRICT COURT OF CENTRAL MIDDLESEX. Chap.133

Be it enacted, etc., as follows:

SECTION 1. There shall be appointed by the governor, with the advice and consent of the council, a clerk of the district court of central Middlesex, who shall perform the duties and have the powers prescribed by law in the case of clerks of like courts in this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1905.

AN ACT TO PROHIBIT LOITERING WITHIN THE STATIONS AND CERTAIN OTHER PROPERTY OF STREET RAILWAY COMPANIES. Chap.134

Be it enacted, etc., as follows:

Whoever without right loiters or remains within a station or station house of a street railway company, or upon the platform, stairs, grounds or other property owned or controlled by a street railway company, adjacent to such station, after being requested to leave the same by a special or other police officer, shall forfeit not less than two nor more than twenty dollars.

Approved March 7, 1905.

AN ACT TO INCORPORATE THE TRUSTEES OF THE THEODORE L. BONNEY G. A. R. HALL. Chap.135

Be it enacted, etc., as follows:

SECTION 1. Robert Calder, Josiah G. Cook, John Seates and their successors, are hereby made a corporation

Payment of loan.

Office of clerk of district court of central Middlesex established.

Loitering within stations, etc., of street railway companies prohibited.

Trustees of Theodore L. Bonney Post

G. A. R. Hall
incorporated.

by the name of the Trustees of Theodore L. Bonney Post G. A. R. Hall, located in the town of Hanson, with the exemption from taxation provided for in the fifth clause of section five of chapter twelve of the Revised Laws, and with the powers and subject to the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to such corporations.

To hold certain
property.

SECTION 2. The object of the said corporation shall be to hold in trust property conveyed to it by deed of John Foster of said Hanson, dated April first, nineteen hundred and four, and recorded in Plymouth county registry of deeds, in book eight hundred and eighty, page forty-four, for the use and benefit of Theodore L. Bonney Post G. A. R., and other kindred organizations connected with said post, and any other property, which may be given to said corporation, in trust or otherwise, for the same purpose.

Officers, etc.

SECTION 3. The officers of the corporation shall be a president, a secretary and a treasurer, who shall be elected annually. The secretary shall keep a record of the acts of the corporation in a book prepared for the purpose, in which he shall also record a copy of this act of incorporation. The treasurer shall give a bond, with sureties satisfactory to the corporation, in double the amount of the property intrusted to him, conditioned that he shall safely keep, invest and pay out the funds intrusted to him.

Treasurer to
give bond.

Membership.

SECTION 4. Any person becoming a trustee under the provisions of said deed shall, by virtue of said trust, become a member of the corporation, and he shall remain such so long as he remains a trustee, and any person ceasing to be a trustee under said deed shall thereupon cease to be a member of the corporation.

By-laws, etc.

SECTION 5. Said corporation may make by-laws, not inconsistent with the provisions of this act, with the statutes of the Commonwealth, or with the terms of said trust; and generally said corporation may do all acts and things necessary and expedient to be done for the purpose of carrying into full effect the purposes and provisions of this act.

SECTION 6. This act shall take effect upon its passage.

Approved March 7, 1905.

AN ACT RELATIVE TO THE PROPRIETORS OF SAINT PETER'S CHURCH IN SALEM. *Chap. 136*

Be it enacted, etc., as follows:

SECTION 1. The Proprietors of Saint Peter's Church in Salem, duly incorporated by an act passed February 24, 1794, may from time to time, notwithstanding anything contained in its charter, make by-laws providing for the enlargement of its membership, so as to include persons not proprietors who may be adjudged eligible, in such a manner as may be determined by said society and as set forth in its by-laws. Persons so admitted under this act shall, while members of said corporation, have the same rights and powers and be subject to the same liabilities as the present members of said corporation; and said corporation may also from time to time make such by-laws concerning other matters as it could make if organized under general laws relating to like corporations.

The Proprietors of Saint Peter's Church in Salem, membership, etc.

SECTION 2. The name of said corporation is hereby changed to the Parish of St. Peter's Church in Salem, Massachusetts, and the annual meeting of said corporation shall hereafter be held on the third Tuesday of January in each year, beginning with the year nineteen hundred and six.

Name changed, etc.

SECTION 3. The said corporation is hereby allowed to hold property, real and personal, to the amount of fifty thousand dollars, in addition to its church buildings and land appurtenant thereto.

May hold certain property.

SECTION 4. Said corporation is hereby authorized to transfer to the Trustees of Donations to the Protestant Episcopal Church in the Diocese of Massachusetts any or all of the property held by it, both real and personal, should the corporation at any time by a two thirds vote of the members present and voting, at a meeting duly called for the purpose, vote to make such transfer.

Transfer of property.

SECTION 5. This act shall take effect upon its passage.

Approved March 7, 1905.

Chap.137 AN ACT TO CHANGE THE NAME OF THE PROPRIETORS OF THE PROTESTANT EPISCOPAL CHURCH IN ANDOVER, AND TO CONFIRM THE TITLE OF SAID CORPORATION TO CERTAIN PROPERTY.

Be it enacted, etc., as follows:

Name changed.

SECTION 1. The religious society incorporated by chapter two hundred and ten of the acts of the year eighteen hundred and fifty-five shall hereafter be known as The Parish of Christ Church in Andover, instead of Proprietors of the Protestant Episcopal Church in Andover, as named in said act.

Title to property vested in The Parish of Christ Church in Andover.

SECTION 2. The title to all property, real and personal, heretofore or hereafter acquired by said corporation or now held by it under the name of Proprietors of the Protestant Episcopal Church in Andover, or Wardens and Vestry of Christ Church, Andover, or Rector, Wardens and Vestry of Christ Church, Andover, or Wardens and Vestry of the Parish of Christ Church, Andover, or Parish of Christ Church, Andover, or under any other name, is hereby confirmed to and vested in the said corporation, under the said name of The Parish of Christ Church in Andover.

May hold real and personal property.

SECTION 3. Said corporation may hold real and personal property to the amount of two hundred and fifty thousand dollars, the income of which shall be appropriated exclusively to parochial purposes.

SECTION 4. This act shall take effect upon its passage.

Approved March 7, 1905.

Chap.138 AN ACT RELATIVE TO THE NUMBER OF COPIES OF THE ANNUAL REPORT OF THE BOARD OF RAILROAD COMMISSIONERS.

Be it enacted, etc., as follows:

Report of board of railroad commissioners.

SECTION 1. There shall be printed annually forty-five hundred copies of the annual report of the board of railroad commissioners, of which twenty-two hundred and fifty shall be bound without returns.

Repeal.

SECTION 2. So much of section seven of chapter nine of the Revised Laws, relating to the number of copies of the annual report of the board of railroad commissioners as is inconsistent herewith is hereby repealed.

Approved March 7, 1905.

AN ACT RELATIVE TO THE SHAWMUT UNIVERSALIST SOCIETY. *Chap. 139*

Be it enacted, etc., as follows:

SECTION 1. The society which was incorporated by chapter thirty-nine of the acts of the year eighteen hundred and thirty-eight as the Fifth Universalist Society in the city of Boston, and is now the Shawmut Universalist Society, its name having been changed by chapter forty-three of the acts of the year eighteen hundred and sixty-three, shall hereafter be known by the name of the Beacon Universalist Parish. Name changed.

SECTION 2. Said corporation may, for religious, benevolent and charitable purposes, take and hold personal and real property within the Commonwealth to an amount not exceeding two hundred thousand dollars. May take and hold personal and real property.

SECTION 3. The acts and proceedings of said Shawmut Universalist Society are hereby ratified, confirmed and declared valid. Certain proceedings, etc., confirmed.

SECTION 4. This act shall take effect upon its passage.

Approved March 7, 1905.

AN ACT TO AUTHORIZE THE AMERICAN UNITARIAN ASSOCIATION TO HOLD REAL AND PERSONAL ESTATE FOR EDUCATIONAL AND CHARITABLE PURPOSES. *Chap. 140*

Be it enacted, etc., as follows:

SECTION 1. The American Unitarian Association is hereby authorized to hold real and personal estate, to be devoted to moral, religious, educational and charitable purposes, to the amount now authorized by law to be held by it for the purposes specified in its act of incorporation. The American Unitarian Association may hold real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1905.

AN ACT TO RATIFY AND CONFIRM CERTAIN PROCEEDINGS OF THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF GLOUCESTER. *Chap. 141*

Be it enacted, etc., as follows:

SECTION 1. The proceedings of any meetings of the Young Men's Christian Association of Gloucester, a corporation duly organized on the tenth day of April in the Certain proceedings of the Young Men's Christian Association.

tion of
Gloucester
confirmed.

year eighteen hundred and ninety-three, held prior to the twentieth day of January in the year nineteen hundred and five, shall not be invalid because its records do not show that certain clerks of said association were duly sworn, or because said clerks were not sworn according to law; and all acts done by said association since its incorporation are hereby ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1905.

Chap. 142 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE DISTRICT POLICE.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit:—

Chief of district police.

For the salary of the chief of the district police, twenty-five hundred dollars.

First clerk.

For the salary of the first clerk in the office of the chief of the district police, fifteen hundred dollars.

Second clerk.

For the salary of the second clerk in the office of the chief of the district police, one thousand dollars.

Expenses.

For postage, printing, stationery, telephone, telegraph, incidental and contingent office expenses in the department of the district police, a sum not exceeding four thousand dollars.

Annual report.

For printing and binding the annual report, a sum not exceeding seven hundred dollars.

DETECTIVE DEPARTMENT.

Deputy chief of detective department.

For the salary of the deputy chief of the detective department of the district police, twenty-four hundred dollars.

Clerk.

For the salary of the clerk in the detective department of the district police, twelve hundred dollars.

Stenographer.

For the salary of the stenographer in the detective department of the district police, twelve hundred dollars.

Members, compensation.

For compensation of the members of the detective department of the district police, a sum not exceeding twenty-one thousand dollars.

For the compensation of the fire inspectors of the detective department of the district police, seventy-five hundred dollars.

Fire inspectors, compensation.

For travelling expenses of the members of the detective department of the district police, a sum not exceeding twelve thousand six hundred dollars.

Travelling expenses.

For special services and expenses of persons employed under the direction of the deputy chief of the detective department of the district police, in the investigation of fires, including witness fees, travel, contingent and incidental expenses, a sum not exceeding two thousand dollars.

Special services, etc., of persons employed.

INSPECTION DEPARTMENT.

For the salary of the deputy chief of the inspection department of the district police, twenty-four hundred dollars.

Deputy chief of inspection department.

For the salary of the clerk in the inspection department of the district police, six hundred dollars.

Clerk.

For the compensation of the members of the inspection department of the district police, a sum not exceeding fifty-five thousand dollars.

Members, compensation.

For travelling expenses of the members of the inspection department of the district police, a sum not exceeding fifteen thousand dollars.

Travelling expenses.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1905.

AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS BEYOND ITS DEBT LIMIT, FOR SCHOOL PURPOSES. Chap. 143

Be it enacted, etc., as follows:

SECTION 1. The city of Beverly, for the purpose of acquiring land and of erecting and furnishing new buildings or additions to present buildings for school purposes, may from time to time issue negotiable notes or bonds to an amount not exceeding two hundred and fifty thousand dollars in addition to the amount which it is now authorized to issue, to be denominated on the face thereof, Beverly School Loan, Act of 1905, and to bear interest at a rate not exceeding four per cent per annum, payable semi-annually.

Beverly School Loan, Act of 1905.

SECTION 2. Such notes or bonds shall be payable within such periods, not exceeding twenty years from the dates of

Payment of loan, etc.

issue, as the city council shall from time to time determine, and, except as otherwise provided herein, shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and of acts in amendment thereof and in addition thereto; and they shall not be included in determining the legal limit of indebtedness of the city.

Not to be included in determining debt limit.

To provide for annual payments on loan, etc.

SECTION 3. The city council of said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and, without further action by the city council, the amount required for such payments shall be assessed by the assessors of the city in each year, in the same manner in which other taxes are assessed by law, until the debt incurred by the city shall be extinguished.

SECTION 4. This act shall take effect upon its passage.

Approved March 7, 1905.

Chap.144

AN ACT RELATIVE TO THE BY-LAWS OF TOWNS.

Be it enacted, etc., as follows:

1904, 344, § 2, amended.

Certain by-laws of towns to continue in force without approval, etc.

SECTION 1. Section two of chapter three hundred and forty-four of the acts of the year nineteen hundred and four is hereby amended by striking out all of said section and inserting in place thereof the following: — *Section 2.* Any town by-law in force at the time of the passage of this act shall continue to be in force without the approval and publication provided for by section one hereof.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1905.

Chap.145

AN ACT TO AUTHORIZE THE TOWN OF WATERTOWN TO BORROW MONEY FOR PURPOSES CONNECTED WITH THE WIDENING OF GALEN STREET.

Be it enacted, etc., as follows:

Town of Watertown may borrow money for certain purposes, etc.

SECTION 1. The town of Watertown is hereby authorized to borrow, for a term not exceeding twenty years, a sum not exceeding seventy-five thousand dollars, for the purpose of widening and constructing Galen street, as laid out by the county commissioners of the county of Middlesex, including the cost of a bridge over the Charles river, and land damages and other expenses connected with the

widening of said street. For the sum borrowed under authority of this act the town shall give its notes, to be signed by its treasurer and countersigned by its selectmen, with interest, payable semi-annually, at a rate not exceeding four per cent per annum. Such notes shall provide for payment of the principal in such annual proportionate payments, beginning in the year nineteen hundred and fourteen, as will extinguish the debt in twenty years from the date of issue of the notes.

Payment of
loan.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1905.

AN ACT TO PROVIDE FOR SUPPLYING A PART OF THE TOWN OF HADLEY WITH WATER AND FOR ESTABLISHING THE HADLEY WATER SUPPLY DISTRICT.

Chap. 146

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Hadley in the county of Hampshire, liable to taxation in the town of Hadley, and residing within the territory enclosed by the following boundary lines, to wit:—Beginning at the southeasterly corner of the town of Hadley, thence northerly on the town line between the towns of Hadley and Amherst about seven thousand seven hundred feet to a stone bound marking an angle in the said town line; thence south, eighty-six degrees forty-five minutes west, along said town line eight hundred and twenty feet to another stone bound; thence north, forty-one degrees fifteen minutes west, seven thousand two hundred and thirty-six feet to a point in line with the easterly side of the brick house belonging to Henry C. West and distant three hundred and thirty-five feet northerly from the northeasterly corner thereof; thence north, fifty-eight degrees fifty minutes west, four thousand five hundred thirty-one and forty-five one hundredths feet to a point on the top of the bank one thousand one hundred feet easterly of the centre line of East street; thence north, eight degrees forty-five minutes east, on a line parallel with the said centre line and distant one thousand one hundred feet therefrom, eight thousand three hundred and seventy-eight feet to the centre of the “Old Amherst road” at a point north, twenty-four degrees fifteen minutes east, three hundred and seventy-eight feet from the northerly corner of a dwelling house owned and occupied by Martin Bye; thence north, fifty-five degrees west, about two hundred

Hadley Water
Supply District
established.

Hadley Water
Supply District
established.

and fifty feet to Coleman's brook; thence down Coleman's brook to Connecticut river; thence down Connecticut river to Fort river; thence up Fort river to the centre of the covered bridge over the same; thence south, forty-five degrees east, to the town line between Hadley and South Hadley; thence easterly along said town line to the place of beginning, — shall constitute a water district, and are hereby made a body corporate, by the name of the Hadley Water Supply District, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants, and to relocate and discontinue the same, to regulate the use of such water, and to fix and collect rates to be paid for the use of the same, and to take by purchase or otherwise and hold property, lands, rights of way and easements, for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of the district.

May take cer-
tain waters,
lands, etc.

SECTION 2. Said water supply district, for the purposes aforesaid, may take by purchase or otherwise, and hold the waters of Harts brook and its tributaries, the waters of Sheep Pasture brook, and any and all of the springs and streams flowing from the northerly slope of the Mount Holyoke range, lying in the town of Hadley, together with such contiguous territory as may be necessary for the conservation of the watershed of said springs and streams, and also any lands in Hadley for the purpose of digging or driving or constructing wells for additional supply: *provided*, that no source of water supply for domestic purposes shall be taken under this act without the consent of the state board of health, and that the location of all dams, reservoirs and wells shall be subject to the approval of said board. Said district may also take by purchase or otherwise and hold all rights of way and easements, water rights and lands in the town of Hadley necessary for the taking, holding, storing and improving such water and for conveying the same to and through said Hadley Water Supply District, and said district may construct on the lands thus taken or acquired proper dams, buildings, fixtures and other structures, and may do such other things as may be necessary for providing and maintaining complete and effective water works; and for that purpose may construct wells and establish pumping works, may construct, lay and maintain aqueducts, conduits, pipes and

Proviso.

May take cer-
tain rights of
way, ease-
ments, etc.,
erect struc-
tures, etc.

other works, under and over any land, water courses, railroads, railways and public or other ways, and along any highway or other way in the town of Hadley, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining and repairing such aqueducts, conduits, pipes and other works, and for all other purposes of this act, said water supply district may dig up, raise and embank any such lands, highways or other ways, in such manner as to cause the least possible hindrance to public travel; but all things done upon such ways shall be subject to the direction of the selectmen of the town in which such ways are situated.

SECTION 3. Said water supply district shall, within ninety days after the taking of any lands, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Hampshire a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

Description of
lands, etc., to
be recorded.

SECTION 4. Said water supply district shall pay all damages to property sustained by any person or corporation by the taking of any water, water source, water right, land, right of way or easement, or by any other thing done by said district under authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with said district as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law in the case of land taken for highways, on application therefor at any time within one year after the taking of such land or other property, or the doing of other injury under authority of this act. No application for assessment of damages shall be made for the taking of any water or water rights, or for any injury thereto, until the water is actually withdrawn or diverted under authority of this act.

Damages.

SECTION 5. For the purpose of paying all expenses and liabilities incurred under the provisions of this act said district may from time to time issue bonds, notes or certificates of debt, signed by the treasurer of the water supply district and countersigned by the chairman of the water commissioners hereinafter provided for, to be denominated on the face thereof, Hadley Water Supply District Loan, to an amount not exceeding forty thousand dollars, payable

Hadley Water
Supply District
Loan.

Payment of
loan, etc.

at periods not exceeding thirty years from the dates of issue, and bearing interest, payable semi-annually, at a rate not exceeding four per cent per annum. Said district may sell such securities at public or private sale, at not less than par, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Said district shall pay the interest upon the loan as it accrues, and shall provide at the time of authorizing said loan for the payment thereof in such annual proportional payments as will extinguish the same within the time prescribed by this act, — the first of such annual payments to be made at or before the expiration of five years from the date of the first issue of any of the securities authorized by this act; and when a vote to that effect has been passed the amount required thereby shall, without further vote of said district, be raised by taxation in the same manner in which money is raised for town expenses.

District to
raise a certain
sum by taxa-
tion annually.

SECTION 6. Said district shall raise by taxation annually a sum which with the income derived from the sale of water will be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds, notes or certificates of debt issued by said district, together with such payments on the principal as may be required under the provisions of this act. Said district is further authorized, by a two thirds vote of the voters thereof present and voting at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional pipes, appliances and fixtures connected therewith, not exceeding two thousand dollars in any one year.

Assessment
and collection
of taxes.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act the clerk shall send a certified copy of the vote to the assessors of the town of Hadley, who shall proceed within thirty days to assess the same in the same manner in all respects in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect interest on overdue taxes, in the same manner as taxes and interest are authorized to be collected by the town: *provided*, that said district at the

Proviso.

time of voting to raise the tax shall so determine, and shall also fix a time for the payment thereof.

SECTION 8. Said district may make such contracts with individuals, corporations and the town of Hadley for supplying water as may be agreed upon, and may fix and collect rates for use of such water; and said district may discontinue or shut off the water for the non-payment of such rates and for violation of the terms of any contract or agreement which may be made by said district with individuals, corporations, or the said town.

District may make contracts for supplying water, etc.

SECTION 9. The first meeting of said district shall be called on petition of ten or more legal voters therein, by a warrant from the selectmen of the town of Hadley, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of said warrant in two or more public places in said district seven days at least before the time of said meeting, and by publishing such notice thereof as the warrant may require, in any newspaper published in the county of Hampshire, and circulated in said town. One of the selectmen shall preside at the meeting until a clerk is chosen and sworn. After the choice of a moderator for said meeting the question of the acceptance of this act shall be submitted to the voters, and if it shall be accepted by a majority vote of the voters present and voting thereon it shall go into effect, and the meeting may then proceed to act on the other articles contained in the warrant.

First meeting.

SECTION 10. Said Hadley Water Supply District shall, after its acceptance of this act at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual meeting, to constitute a board of water commissioners, and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said district may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said water supply

Water commissioners, election, terms, etc.

Quorum.

Vacancy, etc.

district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of said water works except by written order of said commissioners or a majority of them. Said commissioners shall annually make to said district a full report in writing of their doings and expenditures. Said commissioners shall receive such compensation for their services as said district shall determine.

To make annual report.

Compensation.

District may adopt certain by-laws, provide rules, etc.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings may be called and notified, and upon the application of ten or more legal voters in said district meetings may also be called by warrant as provided in section ten. Said district may also provide rules and regulations for the management of its water works, not inconsistent with this act or with the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary.

Penalty for corruption of water, etc.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, standpipe, aqueduct, pipe or other property owned or used by said district for the purposes of this act, shall forfeit and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for a term not exceeding six months.

When to take effect, etc.

SECTION 13. This act shall take effect upon its acceptance by a majority vote of the voters of said district present and voting thereon at any legal district meeting called for the purpose within three years after the passage of this act; but it shall become void unless the said district shall begin to distribute water through its pipes to consumers in said water supply district within three years after the date of the acceptance of this act as aforesaid.

Approved March 9, 1905.

Chap.147 AN ACT MAKING APPROPRIATIONS FOR THE STATE COLONY FOR THE INSANE.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth

from the ordinary revenue, for the support of the state colony for the insane, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

For salaries and wages, a sum not exceeding eighteen thousand dollars.

State colony
for insane,
salaries, etc.
Expenses.

For other current expenses, including printing and binding the annual report, a sum not exceeding thirty-three thousand nine hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1905.

AN ACT TO AUTHORIZE THE NANTUCKET GAS AND ELECTRIC COMPANY TO SELL AND TRANSFER ITS FRANCHISES. *Chap.148*

Be it enacted, etc., as follows:

SECTION 1. The receiver of the Nantucket Gas and Electric Company, whenever empowered or permitted so to do by an order or decree of the court by which he was appointed, is hereby authorized to sell and transfer the franchises of said company to any gas and electric company now or hereafter organized under the laws of Massachusetts, subject to any outstanding mortgage lawfully made of said franchises by said company. The purchaser shall hold and enjoy said franchises and all rights in connection therewith, in the same manner as the same have heretofore been held and enjoyed by the Nantucket Gas and Electric Company.

The Nantucket
Gas and Elec-
tric Company
may transfer
its franchises,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1905.

AN ACT RELATIVE TO CLERICAL ASSISTANCE IN THE OFFICE OF THE AUDITOR OF ACCOUNTS. *Chap.149*

Be it enacted, etc., as follows:

SECTION 1. Section fourteen of chapter six of the Revised Laws, as amended by chapter one hundred and seventy-seven of the acts of the year nineteen hundred and two, and by chapter one hundred and twenty of the acts of the year nineteen hundred and three, is hereby further amended by striking out the whole section and inserting in place thereof the following: — *Section 14.* He shall receive an annual salary of thirty-five hundred dollars. He may employ in his office one clerk at a salary

R. L. 6, § 14,
etc., amended.

Auditor of
accounts,
salaries, etc.

First clerk to
act as deputy
in certain
cases.

of twenty-five hundred dollars a year, one clerk at a salary of twenty-two hundred dollars a year, four clerks at a salary of fifteen hundred dollars a year each, and a messenger at a salary of not more than nine hundred dollars a year. He may also employ such additional clerical assistance as may be necessary, at an expense not exceeding forty-five hundred dollars a year. If, by reason of sickness, absence or other cause, the auditor is temporarily unable to perform the duties of his office, the first clerk in his office shall act as his deputy and perform the duties of the auditor until such disability ceases.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1905.

Chap. 150 AN ACT RELATIVE TO THE RANK AND COMPENSATION OF
VETERANS EMPLOYED IN THE CIVIL SERVICE.

Be it enacted, etc., as follows:

R. L. 19, § 23,
amended.

SECTION 1. Section twenty-three of chapter nineteen of the Revised Laws is hereby amended by inserting after the word "abolished", in the fifth line, the words:—nor shall he be lowered in rank or compensation,—by inserting after the word "transfer", in the seventh line, the words:—lowering in rank or compensation,—and by inserting after the word "transfer", in the twelfth line, the words:—lowering in rank or compensation,—so as to read as follows:—*Section 23.* No veteran who holds an office or employment in the public service of the Commonwealth, or of any city or town therein, shall be removed or suspended, or shall, without his consent, be transferred from such office or employment, nor shall his office be abolished, nor shall he be lowered in rank or compensation, except after a full hearing of which he shall have at least seventy-two hours' written notice, with a statement of the reasons for the contemplated removal, suspension, transfer, lowering in rank or compensation, or abolition. The hearing shall be before the state board of conciliation and arbitration, if the veteran is a state employee, or before the mayor of the city or selectmen of the town of which he is an employee, and the veteran shall have the right to be present and to be represented by counsel. Such removal, suspension or transfer, lowering in rank or compensation, or such abolition of an office, shall be made only upon a written order stating fully and spe-

Veterans not
to be removed,
etc., without a
hearing, etc.

cifically the cause or causes therefor, and signed by said board, mayor or selectmen, after a hearing as aforesaid.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1905.

AN ACT TO AUTHORIZE THE CITY OF QUINCY TO MAKE AN
ADDITIONAL SEWERAGE LOAN. Chap.151

Be it enacted, etc., as follows:

SECTION 1. The city of Quincy, for the purpose of extending and completing its system of sewerage, and for the purposes mentioned in chapter two hundred and seventy-nine of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof, may from time to time issue bonds, notes or scrip to be denominated on the face thereof, City of Quincy Sewer Loan, Act of 1905, to an amount not exceeding two hundred thousand dollars, outside the limit of indebtedness fixed by law for that city and in addition to the amounts heretofore authorized by law to be issued by the city for the same purposes. Such bonds, notes or scrip shall be issued upon the terms and conditions and with the force and effect specified in said chapter two hundred and seventy-nine, and in chapter two hundred and twenty-five of the acts of the year eighteen hundred and ninety-seven, and in acts in amendment thereof and in addition thereto.

City of Quincy
Sewer Loan,
Act of 1905.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1905.

AN ACT RELATIVE TO THE SOCIETY FOR THE RELIEF OF AGED
AND DESTITUTE CLERGYMEN. Chap.152

Be it enacted, etc., as follows:

SECTION 1. The name of the Society for the Relief of Aged and Destitute Clergymen, incorporated by chapter one hundred and eighteen of the acts of the year eighteen hundred and fifty, is hereby changed to the Society for Ministerial Relief.

Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1905.

Chap.153 AN ACT TO INCORPORATE THE NORTH PARISH OF NORTH ANDOVER.

Be it enacted, etc., as follows:

The North Parish of North Andover incorporated.

SECTION 1. Moses T. Stevens, Sam D. Stevens, Daniel A. Carleton, Edmund S. Colby, Mary G. Carleton, Anna M. Stevens and Charles H. Farnham, all of North Andover, and all other persons who are enrolled on the records as members of the religious society in North Andover, commonly called The North Parish in North Andover, their associates and successors, are hereby made a body corporate by name of The North Parish of North Andover, with all the powers and subject to the provisions set forth in chapter thirty-six of the Revised Laws.

Title to certain property to vest in corporation.

SECTION 2. The title to all property, real and personal, heretofore acquired and now held by said society under the name of North Parish of North Andover, North Parish Church and Society, North Parish Church and Society of North Andover, Unitarian Society of North Andover, treasurer of Osgood Bequest, North Andover, North Andover Unitarian Ministerial Fund, Treasurer of North Parish of North Andover, or First Unitarian Church and Society of North Andover, or under any other name, and the title to all property which may hereafter be acquired by it, by bequest, devise or otherwise, is hereby confirmed to and vested in said corporation, under the said name of The North Parish of North Andover.

May hold real and personal property, etc.

SECTION 3. Said corporation may hold real and personal property to the amount of one hundred thousand dollars, the income of which shall be appropriated exclusively to parochial purposes.

SECTION 4. This act shall take effect upon its passage.

Approved March 9, 1905.

Chap.154 AN ACT RELATIVE TO THE STATE LIBRARY.

Be it enacted, etc., as follows:

Purchase of publications for state library.

SECTION 1. There shall annually be appropriated eight thousand five hundred dollars for the purchase of books, maps and other publications for the state library, and a further sum not exceeding fifty-four hundred dollars annually for clerical and messenger service, to be expended under the direction of the librarian.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

Approved March 9, 1905.

AN ACT TO ESTABLISH THE SALARY OF THE GENERAL AGENT
OF THE DAIRY BUREAU OF THE STATE BOARD OF AGRICUL-
TURE. Chap.155

Be it enacted, etc., as follows:

Section five of chapter eighty-nine of the Revised Laws is hereby amended by striking out the word "twelve", in the fourth line, and inserting in place thereof the word: — fourteen, — so as to read as follows: — *Section 5.* The board shall at its annual meeting appoint a general agent of the dairy bureau to assist the bureau and under its direction to superintend the work provided for in section eleven. He shall receive an annual salary of fourteen hundred dollars and his necessary expenses. R. L. 89, § 5,
amended.

General agent
of the dairy
bureau, ap-
pointment, etc.

Approved March 9, 1905.

AN ACT RELATIVE TO THE EXISTENCE OF CORPORATIONS IN
THE HANDS OF RECEIVERS. Chap.156

Be it enacted, etc., as follows:

SECTION 1. Section fifty-four of chapter one hundred and nine of the Revised Laws and section fifty-three of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three are hereby amended by inserting in the last line but one of each of the said sections, after the word "receivers", the words: — and the existence of the corporation, — so that the last sentence of each of the said sections shall read as follows: — The powers of such receivers and the existence of the corporation may be continued as long as the court finds necessary for said purposes. R. L. 100, § 54,
etc., amended.

Existence of
corporations
in the hands
of receivers.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1905.

AN ACT RELATIVE TO THE SALARIES OF DISTRICT ATTORNEYS
AND ASSISTANT DISTRICT ATTORNEYS. Chap.157

Be it enacted, etc., as follows:

SECTION 1. For the purpose of establishing the salaries of the district attorneys the districts into which the Salaries of
district
attorneys
established.

Commonwealth is divided for the administration of the criminal law, under the provisions of section eleven of chapter seven of the Revised Laws, are hereby divided into four classes, according to the following table; and the annual salary of the district attorney for each district in a class shall be as therein specified, payable from the treasury of the Commonwealth:—

Class A. Class A. Districts having a population of less than two hundred and fifty thousand, to wit, the northwestern district; salary:—thirteen hundred and fifty dollars.

Class B. Class B. Districts having a population of from two hundred and fifty thousand to five hundred thousand, to wit, the southeastern, the western, the southern, the middle and the eastern districts; salary:—twenty-four hundred dollars.

Class C. Class C. Districts (except the Suffolk district) having a population of five hundred thousand or more, to wit, the northern district; salary:—three thousand dollars.

Class D. Class D. The Suffolk district; salary:—five thousand dollars.

Salaries of assistant district attorneys established. SECTION 2. The annual salary of an assistant district attorney, except in the Suffolk district, shall be equal to two thirds of the salary of the district attorney, payable from the treasury of the Commonwealth, to wit:—

Class B. Class B. The southeastern, the southern, the middle and the eastern districts; salary:—sixteen hundred dollars.

Class C. Class C. The northern district; salary:—two thousand dollars.

Suffolk district. SECTION 3. The annual salary of the assistant district attorneys of the Suffolk district shall be thirty-eight hundred dollars each, payable from the treasury of the Commonwealth.

Travelling expenses. SECTION 4. Except in the Suffolk district district attorneys and assistant district attorneys shall receive for travelling expenses necessarily incurred in the performance of their official duties, such sums as shall be approved by a justice of the superior court; and such sums shall be paid from the treasury of the Commonwealth.

Repeal. SECTION 5. Section thirteen of chapter seven of the Revised Laws, except so much thereof as relates to the salary of the clerk of the district attorney of the Suffolk district, chapters four hundred and seventy-one and five hundred and thirty of the acts of the year nineteen hun-

dred and two, and chapter three hundred and ninety-five of the acts of the year nineteen hundred and three, are hereby repealed.

SECTION 6. The salaries hereby established shall be so allowed from the first day of January in the year nineteen hundred and five.

Salaries established to be allowed from January 1.

SECTION 7. This act shall take effect upon its passage.

Approved March 9, 1905.

AN ACT RELATIVE TO THE IMPROVEMENT OF BROOKS, STREAMS
AND WATER COURSES IN THE CITY OF CHELSEA.

Chap. 158

Be it enacted, etc., as follows:

SECTION 1. The city of Chelsea, for drainage purposes or for the protection of the public health, may, by its board of aldermen with the approval of the mayor, from time to time improve brooks, streams and water courses, or any part thereof, within the limits of the city, by widening the same, removing obstructions in or over them, diverting the water, altering the courses or deepening the channels thereof, and may conduct any surface or ground water into the same, and may cover or pave any such channel or water course, or any part thereof, and may build retaining walls to support the banks of any such stream or water course, or any part thereof, within said city; and for the purposes aforesaid the city may, by vote of the board of aldermen, duly approved by the mayor, purchase or take land in fee or otherwise on one or both sides of any such brook, stream or water course, or may in the same manner purchase or take land in fee or otherwise to form new channels into which said water or any surface or ground water may be diverted, within the limits of said city, and may enter into and upon any land or way, and may do thereon work necessary for any such improvement, and may construct upon any land purchased or taken under authority of this act such walks or ways as the board of aldermen, with the approval of the mayor, may determine that the public convenience and necessity require.

City of Chelsea may improve brooks, streams, etc., for drainage purposes, etc.

May purchase or take certain land, etc.

SECTION 2. When land is taken by virtue of the preceding section the proceedings shall be the same as in the case of taking land for the laying out of streets in said city.

Proceedings.

SECTION 3. Damages occasioned by the making of said improvements or by any taking of land under the

Damages.

provisions of this act shall be ascertained and recovered as in the case of the laying out of streets.

Assessment of betterments.

SECTION 4. At any time within two years after any brook or natural stream in said city is improved in any of the ways mentioned in the first section of this act, under an order declaring the same to be done under the provisions of law authorizing the assessment of betterments, if, in the opinion of the board of aldermen of said city, any real estate in said city, including that, if any, of which a part is taken therefor, receives any benefit or advantage therefrom beyond the general advantage to all real estate in said city, the board may determine the value of such benefit and advantage to such real estate, and may assess upon the same a proportional share of the expense of making such improvement; but no such assessment shall exceed one half of such adjudged benefit and advantage, nor shall the same be made until the work of making such improvement is completed.

Certain provisions of law to apply.

SECTION 5. All laws now or hereafter in force relating to the assessment and collection of betterments in the case of the laying out, altering, widening, grading or discontinuing of ways in said city shall, so far as the same are applicable and not inconsistent with the provisions of this act, apply to the doings of the board of aldermen under this act; and all persons who are aggrieved by the assessment of betterments under the provisions of this act shall have the same remedies now or hereafter provided by law for persons aggrieved by the assessment or levy of betterments in the laying out of ways in said city.

Penalty for injury to drainage, pollution of water, etc.

SECTION 6. No person shall destroy or injure any drainage or sewerage work of said city, or without lawful authority pollute any natural water course in said city, or put or maintain any obstruction therein; and whoever violates any provision of this section shall for each offence be punished by a fine not exceeding five hundred dollars or by imprisonment in the house of correction for a term not exceeding three months, or by both such fine and imprisonment.

SECTION 7. This act shall take effect upon its passage.

Approved March 9, 1905.

AN ACT TO INCREASE THE NUMBER OF THE TRUSTEES OF THE MASSACHUSETTS STATE SANATORIUM. *Chap.159*

Be it enacted, etc., as follows:

SECTION 1. The number of the trustees of the Massachusetts state sanatorium is hereby increased to seven, two of whom shall be women; and the governor is hereby authorized to appoint, with the advice and consent of the council, before the first Monday in July, the additional trustees thus provided for. In the year nineteen hundred and ten, and in every fifth year thereafter, three trustees shall be appointed, and in every other year one trustee shall be appointed.

Number of trustees of the Massachusetts state sanatorium increased.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1905.

AN ACT TO INCORPORATE THE MARBLE BLOCK COMPANY. *Chap.160*

Be it enacted, etc., as follows:

SECTION 1. Frank Curtiss, William W. Norton, Parley A. Russell and Frank H. Wright, their associates and successors, are hereby made a corporation by the name of Marble Block Company, for the purpose of holding, managing, improving and leasing the real estate in the village and town of Great Barrington, on the westerly side of Main street, known as the Marble Block premises, bounded north by land of Charles N. Gilbert and land of Henry T. Robbins; east by land of Charles N. Gilbert and by Main street; south by land of Caroline Y. Miller and Frank H. Wright, trustee, and land of John Viola and others; and west by land of the New York, New Haven and Hartford Railroad Company; together with the rights, interests and easements appurtenant thereto, and subject to easements, if any, which other persons may have therein; with the powers and privileges, and subject to the duties, liabilities and restrictions set forth in all general laws now or hereafter in force applicable to such corporations.

The Marble Block Company incorporated.

SECTION 2. Said corporation may sell or mortgage the whole or any part of the real estate which it is authorized by this act to hold.

May sell or mortgage certain real estate.

SECTION 3. The capital stock of said corporation shall not exceed seventy-five thousand dollars. The shares

Capital stock.

shall be of the par value of one hundred dollars each, and no share shall be issued except for cash actually paid in or property actually conveyed; and the value of such property shall be determined by the commissioner of corporations.

SECTION 4. This act shall take effect upon its passage.

Approved March 10, 1905.

Chap. 161 AN ACT TO INCORPORATE THE MAHAIWE BLOCK COMPANY.

Be it enacted, etc., as follows:

The Mahaiwe
Block Com-
pany incorpo-
rated.

SECTION 1. Frank Curtiss, John H. C. Church and Frank H. Wright, their associates and successors, are hereby made a corporation by the name of Mahaiwe Block Company, for the purpose of holding, managing, improving and leasing the real estate in the village and town of Great Barrington, on the northwest corner of Main and Castle streets, known in part as the Mahaiwe Block premises, bounded north by land of Andrew L. Hubbell, land of Legrand Ramsey and others, land of Charles E. Gorham, land of John W. Morgan, land of John C. Benton and land formerly of Increase Sumner, deceased; east by land of Legrand Ramsey and others and by Main street; south by Castle street; and west by land of the inhabitants of the Great Barrington Fire District, land of Legrand Ramsey and others, and land of Charles E. Gorham; together with the rights, interests and easements appurtenant thereto, and subject to easements, if any, which other persons may have therein; with the powers and privileges, and subject to the duties, liabilities and restrictions set forth in all general laws now or hereafter in force applicable to such corporations.

May sell or
mortgage cer-
tain real estate.

SECTION 2. Said corporation may sell or mortgage the whole or any part of the real estate which it is authorized by this act to hold.

Capital stock.

SECTION 3. The capital stock of said corporation shall not exceed two hundred thousand dollars. The shares shall be of the par value of one hundred dollars each, and no share shall be issued except for cash actually paid in or property actually conveyed; and the value of such property shall be determined by the commissioner of corporations.

SECTION 4. This act shall take effect upon its passage.

Approved March 10, 1905.

AN ACT RELATIVE TO THE PREPARATION OF PLANS FOR ALMS-
HOUSE BUILDINGS. *Chap.162*

Be it enacted, etc., as follows:

The state board of charity is authorized to advise with and assist overseers of the poor in the preparation of plans for almshouse buildings, the expenses to be paid from the appropriation for expenses of the board.

Preparation of plans for almshouse buildings.

Approved March 10, 1905.

AN ACT TO PROVIDE FOR CLERICAL ASSISTANCE IN THE OFFICE
OF THE TREASURER OF THE COUNTY OF HAMPDEN. *Chap.163*

Be it enacted, etc., as follows:

SECTION 1. The county treasurer of the county of Hampden shall be allowed for clerical assistance a sum not exceeding four hundred dollars a year, from the first day of January in the year nineteen hundred and five, to be paid from the treasury of the county to persons who actually perform the work, provided the county commissioners of said county shall approve such payment.

County treasurer of Hampden, clerical assistance.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1905.

AN ACT TO AUTHORIZE THE AMERICAN BOARD OF COMMISSIONERS
FOR FOREIGN MISSIONS TO HOLD ADDITIONAL REAL
AND PERSONAL ESTATE. *Chap.164*

Be it enacted, etc., as follows:

SECTION 1. The American Board of Commissioners for Foreign Missions is hereby authorized to take and hold in fee simple or otherwise, lands, tenements or hereditaments, by gift, grant or otherwise, for the purposes for which it was incorporated, not exceeding in value one million dollars; and may also take and hold by gift, bequest or otherwise, personal estate to an amount not exceeding four million dollars, anything in its act of incorporation or in subsequent acts amending the same to the contrary notwithstanding.

The American Board of Commissioners for Foreign Missions may hold additional real and personal estate, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1905.

Chap.165 AN ACT RELATIVE TO THE SALARIES OF THE JUSTICE, SPECIAL JUSTICES, CLERK AND ASSISTANT CLERK OF THE POLICE COURT OF LOWELL.

Be it enacted, etc., as follows:

Police court of Lowell, salaries of justices and clerks.

SECTION 1. The police court of Lowell, being a court the judicial district of which has, and has had since the twenty-fifth day of April in the year nineteen hundred and four, a population of more than one hundred thousand, shall be included in class B as defined in section one of chapter four hundred and fifty-three of the acts of the year nineteen hundred and four, entitled "An Act to establish the salaries of the justices, clerks and assistant clerks of certain police, district and municipal courts"; and the salaries of the justice, special justices, clerk and assistant clerk of the police court of Lowell shall be those which are established by said chapter for the courts included in the said class B, to be so allowed from the first day of July in the year nineteen hundred and four.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1905.

Chap.166 AN ACT TO AUTHIORIZE THE TRUSTEES OF WESTFIELD ACADEMY TO CONVEY A TRACT OF LAND IN THE TOWN OF WESTFIELD TO THE WESTFIELD ATHENÆUM.

Be it enacted, etc., as follows:

The trustees of Westfield Academy may convey a certain tract of land to the Westfield Athenæum.

SECTION 1. The trustees of Westfield Academy are hereby authorized to grant and convey to the Westfield Athenæum, without consideration, a certain tract or strip of land situated in the town of Westfield, lying between Elm street and the private road called Central street, and bounded north by land of the heirs or legatees of E. B. Gillett, deceased, by land of Samuel Squire and others, and by land of Henry Holland, and south by land of said athenæum and land of the heirs or legatees of E. B. Gillett, deceased, to have and to hold the same to said athenæum for its uses and purposes.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1905.

AN ACT RELATIVE TO HOUSES FOR RELIGIOUS WORSHIP.

*Chap.*167

Be it enacted, etc., as follows:

SECTION 1. Section twenty-seven of chapter thirty-six of the Revised Laws is hereby amended by adding at the end thereof the words:— and such corporation may at its annual meeting or at any other meeting regularly called seven days at least before the holding thereof, grant and vote money necessary for the settlement and support of ministers or public teachers of religion, for sacred music, for the purchase and preservation of burial grounds, and for other necessary charges, — so as to read as follows:— *Section 27.* Such corporation may, at a legal meeting called for the purpose, vote to alter, enlarge, repair, rebuild or remove its house, or to build a new one, and may vote the money necessary for such purpose and for the purchase of the land necessary therefor; and such corporation may at its annual meeting or at any other meeting regularly called seven days at least before the holding thereof, grant and vote money necessary for the settlement and support of ministers or public teachers of religion, for sacred music, for the purchase and preservation of burial grounds, and for other necessary charges.

R. L. 36, § 27,
amended.

Corporation
may repair its
house, pur-
chase land,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1905.

AN ACT TO AUTHORIZE SIMMONS FEMALE COLLEGE TO CON-
FER DEGREES.

*Chap.*168

Be it enacted, etc., as follows:

SECTION 1. Simmons Female College is hereby authorized to confer degrees appropriate to the courses of study offered in accordance with the provisions of its charter.

The Simmons
Female College
may confer
degrees.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1905.

AN ACT TO AUTHORIZE THE TREASURER AND RECEIVER GEN-
ERAL TO ISSUE BONDS AND SCRIP UPON THE SERIAL PAYMENT
PLAN FOR THE BENEFIT OF THE METROPOLITAN DISTRICTS.

*Chap.*169

Be it enacted, etc., as follows:

Chapter two hundred and twenty-six of the acts of the year nineteen hundred and three is hereby amended by

1903, 226,
amended.

striking out the third section thereof, which provides that the provisions of the said chapter shall not apply to any issue of bonds or scrip then or thereafter authorized for the benefit of any of the metropolitan districts, so-called.

Approved March 14, 1905.

Chap.170 AN ACT RELATIVE TO ASSESSMENTS FOR THE CONSTRUCTION OF A SEWER IN THE TOWN OF WEBSTER.

Be it enacted, etc., as follows:

Assessments for the construction of a sewer in Webster.

SECTION 1. The selectmen of the town of Webster may assess upon those estates in said town which in their opinion are benefited by the construction of the sewer recently laid in East Main street in said town, a proportional part of the cost of the sewer; and all general laws relating to the collection of assessments for benefits from the construction of sewers in towns shall, so far as they are applicable, apply to the collection of assessments under this act: *provided, however*, that no assessment shall be collected for any estate for which any assessment for the construction of said sewer shall have been paid.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1905.

Chap.171 AN ACT TO AUTHORIZE THE TRUSTEES OF PHILLIPS ACADEMY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

The Trustees of Phillips Academy may hold additional real and personal estate.

SECTION 1. The Trustees of Phillips Academy, for the further endowment of either or both of the departments of that institution, and in furtherance of the designs of its founders and benefactors, are hereby, in addition to what they are now allowed by law to receive and hold, authorized to acquire, by gift, grant, devise, bequest or otherwise, additional lands, tenements or other estate, real or personal, and to hold, manage and, from time to time, invest and reinvest the same or the proceeds of any sale or exchange thereof, the net annual income whereof shall not exceed one hundred thousand dollars: *provided*, that the income of said estate shall always be applied to the objects and purposes of the said institution and in accordance with the will of the donors.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1905.

AN ACT TO EXTEND THE TERM OF OFFICE OF THE BOARD OF COMMISSIONERS FOR THE PROMOTION OF UNIFORMITY OF LEGISLATION IN THE UNITED STATES. *Chap.172*

Be it enacted, etc., as follows:

SECTION 1. The term of office of the board of commissioners for the promotion of uniformity of legislation in the United States, which term was extended by chapter five hundred and one of the acts of the year nineteen hundred and two, is hereby extended for a further term of three years from the date of the passage of this act. Term of office extended.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1905.

AN ACT TO AUTHORIZE THE TOWN OF NEEDHAM TO MAKE AN ADDITIONAL WATER LOAN. *Chap.173*

Be it enacted, etc., as follows:

SECTION 1. The town of Needham, for the purposes mentioned in chapter one hundred and seven of the acts of the year eighteen hundred and eighty-eight and acts in addition thereto, and for the further purpose of extending the water system thereby authorized, may issue bonds, notes or scrip, to be denominated on the face thereof, Needham Water Loan, to an amount not exceeding fifty thousand dollars in addition to the amount heretofore authorized by law to be issued by said town for the same purposes. Such bonds, notes or scrip shall be issued upon the same terms and conditions and with the same powers in behalf of said town as are specified in said chapter one hundred and seven. Needham Water Loan.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1905.

AN ACT TO AUTHORIZE THE CITY OF MELROSE TO INCUR ADDITIONAL INDEBTEDNESS FOR THE PURPOSE OF CONSTRUCTING A SYSTEM OF SEWERAGE. *Chap.174*

Be it enacted, etc., as follows:

SECTION 1. The city of Melrose, for the purpose of defraying the expense of laying, making and maintaining a system of main drains and common sewers, is hereby authorized to issue from time to time, as may be required Melrose Sewerage Loan, Act of 1905.

therefor, in addition to the amount heretofore authorized, bonds, notes or scrip to an amount not exceeding one hundred thousand dollars. Such bonds, notes or scrip shall be denominated on the face thereof, Melrose Sewerage Loan, Act of 1905; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and countersigned by the mayor of said city; and, except as otherwise provided herein, they shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and of acts in amendment thereof and in addition thereto. They shall not be reckoned in determining the statutory limit of indebtedness of the city. The city may sell such securities or any part thereof from time to time, at public or private sale, but no part thereof shall be issued or sold except in compliance with the vote of the city, nor for less than the par value thereof.

Not to be
reckoned in
determining
debt limit, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1905.

Chap. 175 AN ACT RELATIVE TO THE ACCOUNTS OF CERTAIN STATE INSTITUTIONS.

Be it enacted, etc., as follows:

Annual appropriations to be made for the maintenance of certain state institutions, etc.

SECTION 1. Annual appropriations, in addition to unexpended receipts, shall be made for the maintenance of each of the state hospitals and insane asylums, the Massachusetts hospital for dipsomaniacs and inebriates, the Massachusetts hospital for epileptics, the Massachusetts state sanatorium, and the Massachusetts School for the Feeble-Minded. All accounts for the maintenance of the above institutions shall be approved by the trustees and filed with the auditor of accounts at the end of each month, and shall be paid out of the treasury of the Commonwealth. Full copies of the pay-rolls and bills shall be kept at each institution, but the originals shall be deposited with the auditor of accounts as vouchers.

Accounts.

Money received to be paid into the treasury of the Commonwealth, etc.

SECTION 2. All money received by said hospitals, asylums and other institutions shall be paid into the treasury of the Commonwealth as often as once in each month. The receipts from each institution shall be placed to its

credit, and shall be used for its maintenance during the following year.

SECTION 3. The provisions of the two preceding sections shall not affect the powers of the trustees of said institutions under the provisions of section twenty-three of chapter eighty-seven of the Revised Laws, section three of chapter eighty-eight of the Revised Laws, chapter one hundred and fifty of the acts of the year eighteen hundred and fifty, and acts in amendment thereof, nor their right to regulate or control the expenditure of any funds held by them under the provisions of said acts.

Certain powers of trustees not affected, etc.

SECTION 4. Sections one hundred and twenty-seven, one hundred and twenty-eight and one hundred and twenty-nine of chapter eighty-seven of the Revised Laws are hereby repealed.

Repeal.

SECTION 5. This act shall take effect on the first day of January in the year nineteen hundred and six.

When to take effect.

Approved March 14, 1905.

AN ACT TO REGULATE THE USE OF THE CINEMATOGRAPH.

Chap. 176

Be it enacted, etc., as follows:

SECTION 1. No cinematograph, or other similar apparatus involving the use of a combustible film more than ten inches in length, shall be kept or exhibited on premises licensed for entertainments, until such cinematograph or other similar apparatus has been inspected and approved by the district police, and until such precautions against fire as the district police may designate have been taken by the owner, user or exhibitor of such cinematograph or other similar apparatus.

Certain cinematographs, etc., to be inspected, etc.

SECTION 2. The district police are hereby empowered and directed to inspect any cinematograph or other similar apparatus involving the use of combustible films more than ten inches in length which is used or kept on premises licensed for entertainments, and to make such rules and regulations as they may deem necessary for the safe use of such apparatus.

District police to inspect, make rules, etc.

SECTION 3. Any person keeping, using or exhibiting a cinematograph or other similar apparatus contrary to the provisions hereof, or in violation of any rule or regulation made by the district police, shall be punished by a fine of not less than five nor more than five hundred dollars.

Penalty.

Approved March 14, 1905.

Chap.177 AN ACT TO AUTHORIZE THE TOWN OF BROOKLINE TO SELL
CERTAIN LAND.

Be it enacted, etc., as follows:

Town of
Brookline may
sell, etc.,
certain land.

SECTION 1. The town of Brookline is hereby authorized to sell and convey so much of the land conveyed to it for a public park by the mayor of the city of Boston, under authority of chapter three hundred and ten of the acts of the year nineteen hundred and three, as lies west of the westerly line of Lee street in said town, as laid out by the selectmen and accepted by the town at a town meeting held on the second day of April in the year nineteen hundred and two.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1905.

Chap.178 AN ACT TO AUTHORIZE THE TOWN OF HYDE PARK TO REIM-
BURSE HENRY B. CARRINGTON FOR TAXES ILLEGALLY COL-
LECTED.

Be it enacted, etc., as follows:

Town of Hyde
Park may
reimburse
Henry B.
Carrington for
taxes illegally
collected.

SECTION 1. The town of Hyde Park is hereby authorized to reimburse Henry B. Carrington, United States army, retired, a citizen of said town, for such taxes, without interest, upon his personal property as have inadvertently been assessed and collected upon his salary as a retired officer of the United States army.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1905.

Chap.179 AN ACT TO CORRECT A CLERICAL ERROR IN THE ACT RELATIVE
TO THE SALARIES OF CLERKS OF THE COURTS, COUNTY COM-
MISSIONERS AND COUNTY TREASURERS.

Be it enacted, etc., as follows:

1904, 451, § 1,
Class C,
amended.

SECTION 1. Class C of section one of chapter four hundred and fifty-one of the acts of the year nineteen hundred and four is hereby amended by striking out the words "sixteen hundred", in the fourth line, and inserting in place thereof the words: — two thousand, — and by striking out the words "two thousand", in the same line, and inserting in place thereof the words: — sixteen hundred, — so as to read as follows: — Class C. Counties having

Class C.

a population of from thirty-five thousand to sixty thousand, to wit, the counties of Franklin and Hampshire; salaries:— Clerk of the courts, two thousand dollars; commissioners, sixteen hundred dollars; treasurer, eight hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1905.

AN ACT RELATIVE TO THE HAMPDEN AUTOMATIC TELEPHONE COMPANY. *Chap.180*

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and seventy-seven of the acts of the year nineteen hundred and four, in so far as it applies to or affects the Hampden Automatic Telephone Company, is hereby repealed, and the charter, organization and acts of that company shall remain of the same force and effect which they had at the time of the passage of said act.

Charter of the Hampden Automatic Telephone Company revived, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1905.

AN ACT TO AUTHORIZE THE TOWN OF SCITUATE TO APPROPRIATE MONEY FOR WATERING ITS PUBLIC STREETS. *Chap.181*

Be it enacted, etc., as follows:

SECTION 1. The town of Scituate may appropriate money annually for watering its public streets.

Town of Scituate may appropriate money for watering streets.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1905.

AN ACT TO INCORPORATE THE PEOPLE'S SAVINGS BANK OF ATTLEBOROUGH. *Chap.182*

Be it enacted, etc., as follows:

SECTION 1. Harry P. Kent, Phillip E. Brady, Frank W. Weaver, Ralph P. Kent, Edwin F. Thayer, George H. Snell, George H. Herrick, Arthur M. Briggs, William L. King and Thomas W. Williams, their associates and successors, are hereby made a corporation by the name of the People's Savings Bank of Attleborough, with authority to establish and maintain a savings bank in the town of Attleborough, with all the powers and privileges and sub-

The People's Savings Bank of Attleborough incorporated.

ject to all the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1905.

Chap.183 AN ACT RELATIVE TO CLERICAL ASSISTANCE FOR THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF NORFOLK.

Be it enacted, etc., as follows:

Register of
probate, etc.,
Norfolk
county, clerical
assistance.

SECTION 1. The register of probate and insolvency for the county of Norfolk, from and after the first day of January in the year nineteen hundred and five, shall be allowed, in addition to the amount now allowed by law, a sum not exceeding six hundred dollars annually for clerical assistance actually performed, to be paid out of the treasury of the Commonwealth upon the certificate of the judge of probate and insolvency for said county.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1905.

Chap.184 AN ACT MAKING AN APPROPRIATION FOR OPERATING THE STEAMER LEXINGTON IN THE ENFORCEMENT OF THE LAWS RELATIVE TO FISHERIES.

Be it enacted, etc., as follows:

Operating
steamer
Lexington.

SECTION 1. The sum of nine thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet the expenses of operating the steamer Lexington which is in charge of the chief of the district police and is used in the enforcement of the fish laws of the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1905.

Chap.185 AN ACT TO AUTHORIZE THE TOWN OF WATERTOWN TO TAKE CERTAIN PARCELS OF REAL ESTATE IN CONNECTION WITH THE WIDENING OF GALEN STREET.

Be it enacted, etc., as follows:

The town of
Watertown
may take
certain parcels
of real estate.

SECTION 1. The town of Watertown is hereby authorized to take in fee, by right of eminent domain, those parts of two certain parcels of real estate situated at or

near the junction of Main street and Galen street in that town, which are not required for the widening of Galen street as recently laid out and widened by order of the county commissioners of the county of Middlesex, one of said parcels being supposed to be owned by the heirs of Samuel Barnard and the other by Joseph A. Burns and the heirs of John Burns, together with all the rights, easements and privileges appurtenant to said parcels. The said town may hold, use and improve the parcels of real estate so taken or acquired under authority of this act, and may sell, convey or dispose of the same or of any part thereof in accordance with such vote or votes as may be passed by the town from time to time.

SECTION 2. The said town shall cause to be prepared a plan and a memorandum, signed by the selectmen and referring to said plan, showing — Plan and memorandum to be prepared.

(1.) The land taken from said two parcels for the widening of Galen street, and the dimensions and area of those parts of said parcels included therein.

(2.) The parts of said parcels which it is desired to take outside the boundaries of said widening, and the dimensions and area of each of those parts.

(3.) The owner of each parcel which it is desired to take and the buildings or structures upon such parcel.

(4.) The damages which have been awarded by the selectmen for the parts of each parcel taken under authority of this act.

The town shall cause said plan and memorandum to be filed, and the memorandum also to be recorded and indexed, in the registry of deeds for the southern district of the county of Middlesex; and the filing of the plan and memorandum shall constitute a taking of the said parcels. To be filed in the registry of deeds, etc.

SECTION 3. Within seven days after said filing of the plan the selectmen of said town shall cause notice of the filing of the plan and of the taking of the parts of said parcels not required for the widening of Galen street to be served on each owner of the land so taken, by posting the notice in a conspicuous place on each parcel, either within or without the boundaries of the part taken for the widening of Galen street, and by publishing the notice once a week in each of two successive weeks in a newspaper published in said town, if there be any, otherwise in a newspaper published in the county of Middlesex, and Notice to be served on owners of certain land, etc.

also by mailing such notice by registered letter to every such owner whose address is known; and no damages shall be assessed or recovered for any building erected on said land subsequent to the giving of said notice, or for any subsequent alterations in or additions to any building on said land.

Damages.

SECTION 4. Damages for land taken under authority of this act shall be assessed and recovered as in the case of land taken for the laying out of highways; and in case any person is aggrieved by the doings of the selectmen in the estimate of his damages he may petition the superior court for the assessment of his damages by a jury, but such petition shall not be effective unless filed within one year from the date of the filing of said plan.

Certain provisions of law to apply.

SECTION 5. Any laws at the time in force relative to raising or obtaining money to pay for land taken for widening Galen street shall apply with regard to raising or obtaining money to pay damages awarded or recovered for land taken or purchased under authority of this act.

Town may acquire certain land, etc.

SECTION 6. The said town may acquire by gift or purchase any part of the land the taking of which is authorized by this act, and may hold and dispose of the same as in the case of land taken under this act.

Posting, publishing, etc., of notices.

SECTION 7. The posting, publishing, mailing or serving of notices under this act may be done by the town clerk or by any person designated by the selectmen of said town. Such posting, publishing, mailing or serving may be by copy, and the return thereof by the town clerk or by the person designated by the selectmen shall be conclusive evidence of such posting, publishing, mailing or service. Such return may be recorded in said registry of deeds, but such record shall not be necessary to the conclusiveness of said return.

The word "owner" defined. Proviso.

SECTION 8. The word "owner", as used in this act, shall mean and include owners of record: *provided, however, that*

(1.) Where any parcel is owned by more than one person the ownership thereof may be designated on any plan filed under the provisions of this act by the name of one of such persons followed by the words "and others", or other equivalent words;

(2.) Where the title to any parcel or interest therein is of record in the heirs or devisees of a deceased person, no conveyance of the same having been made since the

death of such person, the ownership of such parcel may be designated on such plan or in a memorandum accompanying and mentioning the same as the "Estate of" such deceased person;

(3.) The owner or owners of any parcel shown on such plan or mentioned in the memorandum accompanying the plan may be taken for the purposes of this act to be, respectively, the owner or owners of record of such parcel two weeks before the date of the filing of the memorandum.

SECTION 9. The powers conferred by this act shall be in addition to those conferred on selectmen and other public officers and boards by existing laws.

Powers conferred to be in addition to those conferred by existing laws.

SECTION 10. This act shall take effect upon its passage.

Approved March 16, 1905.

AN ACT RELATIVE TO THE MAINTENANCE OF A HIGH SCHOOL
IN THE TOWN OF WESTFORD.

Chap. 186

Be it enacted, etc., as follows:

SECTION 1. The trustees of Westford Academy and the school committee of the town of Westford are hereby authorized to enter into an agreement for conducting, according to law, a school in said academy, under the order and superintendence of the authorities of said town, and during the term of such agreement or of any renewal thereof the town shall be considered as maintaining a high school.

Town of Westford may maintain a high school.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1905.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PROVIDE FUNDS
FOR THE COMPLETION OF THE EAST BOSTON TUNNEL.

Chap. 187

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the city of Boston shall from time to time, at the request of the Boston transit commission, issue and sell at public or private sale bonds of said city to the full amount authorized by chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four and chapter five hundred of the acts of the year eighteen hundred and ninety-seven, without the reduction provided for by chapter three hun-

Rapid Transit Loan.

dred and forty-seven of the acts of the year eighteen hundred and ninety-seven, namely, to the amount of seven million five hundred thousand dollars, for the combined cost of the subway and of the East Boston tunnel. Such bonds shall be designated on their face, Rapid Transit Loan, shall be for the term of forty years, shall be registered or shall have coupons attached, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually, as said treasurer shall determine, and shall not be included in determining the statutory limit of indebtedness of the city. Said treasurer shall apply the proceeds of said bonds to the payment of the cost and expenses of constructing the tunnel or tunnels to East Boston, as authorized by chapter five hundred of the acts of the year eighteen hundred and ninety-seven and acts in amendment thereof and in addition thereto; and, as required by said act, he shall keep a separate account of the bonds issued and of the cost and expenses incurred in the construction of said tunnel or tunnels.

Proceeds to be applied to the payment of expenses of constructing the East Boston tunnel.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1905.

Chap.188 AN ACT TO PROVIDE FOR THE PERMANENT INVESTMENT OF THE TECHNICAL EDUCATION FUND, COMMONWEALTH GRANT.

Be it enacted, etc., as follows:

Technical Education Fund, Commonwealth Grant.

SECTION 1. A sum not exceeding twenty-five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth for the payment of premiums on purchases to be made by the treasurer and receiver general for the Technical Education Fund, Commonwealth Grant, as authorized by section two of chapter one hundred and seventy-four of the acts of the year nineteen hundred and four.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1905.

Chap.189 AN ACT RELATIVE TO THE INCREASE OF CAPITAL STOCK BY TRUST COMPANIES.

Be it enacted, etc., as follows:

Increase of capital stock by trust companies.

A trust company may, subject to the approval of the board of commissioners of savings banks, increase its capi-

tal stock to the maximum amount allowed by section five of chapter one hundred and sixteen of the Revised Laws, in the manner provided for the increase of capital stock of business corporations under the provisions of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three, and of acts in amendment thereof, relative to the increase of capital stock: *provided, however*, that no such stock shall be issued by any trust company until the par value thereof shall be fully paid in in cash.

Proviso.

Approved March 17, 1905.

AN ACT RELATIVE TO THE TAKING AND SALE OF SMALL TROUT. *Chap. 190*
Be it enacted, etc., as follows:

Section sixty-four of chapter ninety-one of the Revised Laws, as amended by section eleven of chapter five hundred and forty-four of the acts of the year nineteen hundred and two, is hereby further amended by striking out the words "the county of Berkshire nor to", in the eighth line, so as to read as follows:—*Section 64.* Whoever at any time takes, catches or has in possession, or whoever sells or offers or exposes for sale in this Commonwealth, trout less than six inches in length shall forfeit ten dollars for each such trout taken, caught, held in possession, sold or offered or exposed for sale; but the provisions of this section shall not affect the provisions of section twenty-eight, nor shall they apply to a person who is engaged in breeding or rearing trout or to any person who, upon taking such trout, immediately returns it alive to the water from which it was taken.

R. L. 91, § 64, etc., amended.

Penalty for taking, etc., small trout.

Not to apply to certain persons, etc.

Approved March 17, 1905.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO ESTABLISH MUNICIPAL BUILDING INSURANCE FUNDS. *Chap. 191*

Be it enacted, etc., as follows:

SECTION 1. Any city or town which accepts the provisions of this act may establish and maintain a municipal building insurance fund, from which any municipal buildings or other property damaged or destroyed by fire, lightning or otherwise, may be repaired, rebuilt or replaced by other buildings or property to be used in lieu thereof.

Cities and towns may establish municipal building insurance funds.

May raise
money.

SECTION 2. Any such city or town may raise money for the purposes of this act, not exceeding in amount in any one year one twentieth of one per cent of its assessed valuation; but no money shall be raised for such purpose while the amount of the fund equals or exceeds one per cent of such valuation.

Management,
etc., of fund.

SECTION 3. The fund established under this act by any city or town shall be managed and administered as provided in section fifteen of chapter twenty-seven of the Revised Laws, by the sinking fund commissioners thereof, if such there be, or by any municipal board of commissioners or trustees having charge of its trust or sinking funds; and if in any such city or town such commissioners or trustees have not been established sinking fund commissioners shall be elected in the manner provided in section fourteen of chapter twenty-seven of the Revised Laws.

Acceptance of
act.

SECTION 4. This act may be accepted by any city by a concurrent vote of both branches of the city council, and by any town by a majority of the voters present and voting thereon at a meeting duly called for that purpose.

SECTION 5. This act shall take effect upon its passage.

Approved March 17, 1905.

Chap.192 AN ACT TO ESTABLISH THE OFFICE OF CLERK OF THE FIRST DISTRICT COURT OF EASTERN WORCESTER.

Be it enacted, etc., as follows:

Office of clerk
of first district
court of east-
ern Worcester
established.

SECTION 1. There shall be a clerk of the first district court of eastern Worcester, who, in accordance with section one of chapter four hundred and fifty-three of the acts of the year nineteen hundred and four, shall receive a salary of seven hundred and twenty dollars a year, to be so allowed from the first day of April in the year nineteen hundred and five.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1905.

Chap.193 AN ACT RELATIVE TO DEEDS GIVEN BY TAX COLLECTORS.

Be it enacted, etc., as follows:

R. L. 13, § 43,
etc., amended.

SECTION 1. Section forty-three of chapter thirteen of the Revised Laws, as amended by section one of chapter four hundred and twenty-three of the acts of the year

nineteen hundred and two, is hereby further amended by inserting after the word "taxes", in the twelfth line, the words:—and the premises conveyed shall also be subject to and have the benefit of all easements and restrictions lawfully existing in, upon or over said land or appurtenant thereto when so taken, — so as to read as follows:— *Section 43.* The collector shall execute and deliver to the purchaser a deed of the land, which shall state the cause of sale, the price for which the land was sold, the name of the person on whom the demand for the tax was made, the places where the notices were posted, the name of the newspaper in which the advertisement of the sale was published, and the residence of the grantee, and shall contain a warranty that the sale has in all particulars been conducted according to law. The deed shall convey, subject to the right of redemption, all the right and interest which the owner had in the land when it was taken for his taxes, and the premises conveyed shall also be subject to and have the benefit of all easements and restrictions lawfully existing in, upon or over said land or appurtenant thereto when so taken. Such deed shall not be valid unless recorded within thirty days after the sale.

Deeds of land to be given by tax collectors in certain cases, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1905.

AN ACT TO AUTHORIZE THE METROPOLITAN PARK COMMISSION TO TAKE CERTAIN LANDS IN THE TOWN OF RANDOLPH.

Chap. 194

Be it enacted, etc., as follows:

SECTION 1. The metropolitan park commission, without the concurrence of any other board or commission, may take in fee or otherwise, by purchase, gift, devise or eminent domain, in the name and for the benefit of the Commonwealth, as a public reservation for exercise and recreation, lands and rights in lands in the town of Randolph, as an addition to and in improvement of lands devised to the Commonwealth through said commission by the late Henry L. Pierce. Said commission shall have the same powers of management and control of the property acquired under this act as is conferred on it by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and acts in addition thereto and

The metropolitan park commission may take certain lands in Randolph, etc.

in amendment thereof in respect to other lands hitherto acquired by it.

Damages.

SECTION 2. The damages sustained by any person or corporation by reason of any taking hereunder shall be recovered in the manner provided in section seven of said chapter four hundred and seven.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1905.

Chap.195 AN ACT RELATIVE TO THE COMPENSATION OF MASTERS AND EXAMINERS IN THE LAND COURT.

Be it enacted, etc., as follows:

Compensation
of masters and
examiners in
the land court.

SECTION 1. The compensation of a master appointed under the provisions of section thirty-five of chapter one hundred and twenty-eight of the Revised Laws, and of an examiner under the provisions of section six of chapter four hundred and forty-eight of the acts of the year nineteen hundred and four, shall be awarded by the land court, and shall be paid by the county in which the land involved in the proceedings is situated, except that said compensation may be awarded by the land court in its discretion as a part of the taxable costs of the proceedings, in which case the compensation shall be paid as decreed by said court.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1905.

Chap.196 AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE COMMISSIONERS ON FISHERIES AND GAME.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and five, to wit: —

Commissioners
on fisheries and
game.

For compensation of the commissioners on fisheries and game, a sum not exceeding fifty-six hundred and thirty dollars.

Expenses.

For travelling and other necessary expenses of the commissioners on fisheries and game, including printing and

binding their annual report, a sum not exceeding twenty-five hundred and fifty dollars.

For clerical services in the office of the commissioners on fisheries and game, a sum not exceeding nine hundred and seventy-five dollars. Clerical services.

For the enforcement of the laws relating to fisheries and game and the propagation and distribution of fish, birds and other animals, for running expenses and for rent and maintenance of hatcheries, a sum not exceeding thirty-three thousand two hundred and ten dollars. Enforcement of laws, propagation of fish, etc.

For expense of stocking great ponds with food fish, a sum not exceeding five hundred dollars. Stocking great ponds.

For expense of stocking brooks with food fish, a sum not exceeding three hundred dollars. Stocking brooks.

For the protection of lobsters with eggs attached, a sum not exceeding four thousand dollars. Protection of lobsters.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1905.

AN ACT MAKING AN APPROPRIATION FOR THE CARE AND MAINTENANCE OF WELLINGTON BRIDGE BY THE METROPOLITAN PARK COMMISSION. Chap.197

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding twenty-six hundred and sixty-one dollars is hereby appropriated, to be paid out of the Metropolitan Parks System Wellington Bridge Maintenance Fund, for the care and maintenance of Wellington bridge by the metropolitan park commission, for the year ending on the thirty-first day of December, nineteen hundred and five, in accordance with the provisions of chapter four hundred and ninety-one of the acts of the year nineteen hundred and one. Care and maintenance of Wellington bridge.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE CARE OF RESERVATIONS UNDER THE CONTROL OF THE METROPOLITAN PARK COMMISSION. Chap.198

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Metropolitan Parks Maintenance Fund, for the care of reservations under Appropriations.

Metropolitan
park commis-
sioners.

the control of the metropolitan park commission during the year ending on the thirty-first day of December, nineteen hundred and five, as provided for by chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine, to wit:—

For the salaries of the metropolitan park commissioners, the sum of thirty-four hundred and fifty dollars. For the salaries of the secretary, paymaster and clerks of said commission, a sum not exceeding seventy-one hundred dollars; and for extra clerical assistance, a sum not exceeding five hundred dollars.

Travelling
expenses, etc.

For travelling, office expenses and supplies, including printing and binding the annual report, a sum not exceeding sixty-eight hundred dollars.

Labor, team-
ing, etc.

For labor, teaming and keep of horses, a sum not exceeding sixty-four thousand five hundred dollars.

Police.

For the police under the charge of the metropolitan park commission, a sum not exceeding fifty thousand dollars.

Lighting
reservations.

For lighting the reservations, a sum not exceeding nine thousand dollars.

Watering
roadways.

For watering roadways, a sum not exceeding four thousand dollars.

Supplies, etc.

For miscellaneous expenses and supplies, a sum not exceeding eleven thousand dollars.

Exterminat-
ing gypsy and
brown-tail
moths.

For exterminating the gypsy and brown-tail moths, a sum not exceeding twenty-five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1905.

Chap.199 AN ACT MAKING APPROPRIATIONS FOR THE CARE AND MAINTENANCE OF THE NANTASKET BEACH RESERVATION BY THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

Care and
maintenance
of Nantasket
beach.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Metropolitan Park System Nantasket Maintenance Fund, for the care and maintenance of Nantasket beach by the metropolitan park commission during the year ending on the thirty-first day of December, nineteen hundred and five, which sums are to be repaid to the Commonwealth by the cities and towns in the metropolitan district, in accordance with the pro-

visions of chapter four hundred and sixty-four of the acts of the year eighteen hundred and ninety-nine, to wit:—

For police, a sum not exceeding eleven thousand two hundred dollars. Police.

For sundry miscellaneous expenses and supplies, a sum not exceeding sixty-seven hundred dollars. Miscellaneous expenses, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE CARE AND MAINTENANCE OF BOULEVARDS AND PARKWAYS IN CHARGE OF THE METROPOLITAN PARK COMMISSION. Chap. 200

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to meet expenses in connection with the care and maintenance of boulevards and parkways in charge of the metropolitan park commission during the year ending on the thirty-first day of December, nineteen hundred and five, one half of the amounts to be paid out of the current revenue and the other half to be assessed upon the metropolitan park district, as authorized by chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine, to wit:—

For the salaries of the metropolitan park commissioners, the sum of thirty-four hundred and fifty dollars. Care and maintenance of certain boulevards and parkways.

For salaries of the supervisor of construction, stenographers, clerks and messenger, a sum not exceeding forty-eight hundred and seventy-four dollars; and for extra clerical assistance, a sum not exceeding five hundred dollars. Metropolitan park commissioners.

For office expenses and supplies, a sum not exceeding fifty-five hundred dollars. Stenographers, clerks, etc.

For labor, teaming and keep of horses, a sum not exceeding nineteen thousand dollars. Office expenses, etc.

For the police, a sum not exceeding twenty thousand dollars. Labor, teaming, etc.

For lighting parkways and boulevards, a sum not exceeding eighteen thousand dollars. Police.

For watering parkways and boulevards, a sum not exceeding eleven thousand dollars. Lighting parkways, etc.

For sundry miscellaneous expenses, a sum not exceeding forty-five hundred dollars. Watering parkways, etc.

For sundry miscellaneous expenses, a sum not exceeding forty-five hundred dollars. Miscellaneous expenses.

Extermination of gypsy and brown-tail moths.

For extermination of the gypsy and brown-tail moths, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 17, 1905.

Chap. 201 AN ACT TO AMEND THE CHARTER OF THE TRUSTEES OF THE NEW ENGLAND CONFERENCE OF THE METHODIST EPISCOPAL CHURCH.

Be it enacted, etc., as follows:

Trustees of the New England Conference of the Methodist Episcopal Church, terms of office, election, etc.

SECTION 1. As soon as may be after the passage of this act the successors of the trustees who were incorporated by chapter eighty-one of the acts of the year eighteen hundred and twenty-six as the Trustees of the New England Conference of the Methodist Episcopal Church shall divide themselves, by lot or otherwise, into three classes, so that the terms of office of those in the first class shall expire upon the election and qualification of their successors as hereinafter provided, the terms of office of those in the second class shall expire one year thereafter, and the terms of office of those in the third class shall expire two years thereafter. The members of the New England conference shall elect by ballot at its first annual session after the passage of this act three trustees to take the places of said trustees of the first class, at its second annual session thereafter three trustees to take the places of said trustees of the second class, and at its third annual session thereafter three trustees to take the places of said trustees of the third class, all of said trustees so elected to hold office for the term of three years. At each succeeding annual session of said conference the members shall elect three trustees to take the places of those whose terms of office expire. In the event of the death, resignation or incapacity of a trustee the vacancy created thereby shall be filled by the members of the New England conference at its next annual session thereafter by the election by ballot of a trustee to serve for the unexpired term; but, if the number of said trustees shall become reduced to less than five in the interim of the annual sessions of said conference, it shall be the duty of the remaining trustees to fill such vacancies by the election by ballot of other trustees to hold office until the next annual session of said conference. All trustees shall be members of said conference, and shall hold office,

Vacancy, etc.

save as hereinbefore provided, for the term of three years and until their successors are elected and qualified. The trustees shall fix the times and places for holding their meetings and the manner of notifying the trustees, and shall make such by-laws, not repugnant to the laws of this Commonwealth, as they may think proper for the management of their concerns. Meetings, by-laws, etc.

SECTION 2. Section three of said chapter eighty-one is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 23, 1905.

AN ACT TO PROVIDE CERTAIN MILITARY INSTRUCTION FOR THE OFFICERS AND MEN OF THE MILITIA. Chap.202

Be it enacted, etc., as follows:

SECTION 1. There shall annually be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five hundred dollars, to be expended under the direction of the adjutant general in furnishing the officers and men of the organized militia with uniform instruction in military authority, organization and administration and in the elements of military art. Certificates for allowances and expenses incident to such instruction shall be furnished to the adjutant general, and upon his approval payment shall be made to the person or persons certified to be entitled thereto. Military instruction for the militia.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1905.

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO EFFECT AN ADDITIONAL SURFACE DRAINAGE LOAN. Chap.203

Be it enacted, etc., as follows:

SECTION 1. In addition to the sums already authorized for the purposes stated in chapter three hundred and nine of the acts of the year eighteen hundred and eighty-eight, the city of Brockton is hereby authorized to issue from time to time, bonds, notes or scrip to an amount not exceeding fifty thousand dollars. Such bonds, notes or scrip shall be denominated on their face, City of Brockton Drainage Loan, Act of 1905, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, and shall bear interest at a rate not exceed- City of Brockton Drainage Loan, Act of 1905.

ing four per cent per annum. The city may sell such securities at public or private sale, or pledge the same for not less than their par value for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, and shall provide for the payment of said indebtedness by annual proportionate payments. The sinking fund of any loan of the city may be invested therein.

R. L. 27 to
apply.

SECTION 2. The provisions of chapter twenty-seven of the Revised Laws, except as otherwise provided herein, shall apply to the indebtedness hereby authorized and to the securities issued under authority of this act.

SECTION 3. This act shall take effect upon its passage.

Approved March 23, 1905.

Chap. 204

AN ACT RELATIVE TO THE LICENSING OF PEDLERS.

Be it enacted, etc., as follows:

R. L. 65, § 19,
amended.

SECTION 1. Section nineteen of chapter sixty-five of the Revised Laws is hereby amended by striking out the words "not be required to pay any fee for his license for said city or town", in the thirty-fourth and thirty-fifth lines, and inserting in place thereof the words: — pay as a fee to the treasurer of said city or town the amount, if any, by which the said license fee exceeds the amount paid by him to said city or town as taxes on his stock in trade assessed on the first of May previous to the date of said license, — so as to read as follows: — *Section 19.* The secretary of the Commonwealth may grant a license to go about exposing for sale and selling any goods, wares or merchandise, except jewelry, wines, spirituous liquors and playing cards, to any person who files in his office a certificate signed by the mayor of a city or by a majority of the selectmen of a town, stating that to the best of his or their knowledge and belief the applicant therein named is of good repute for morals and integrity, and is, or has declared his intention to become, a citizen of the United States. The mayor or selectmen, before granting such certificate, shall require the applicant to make oath that he is the person named therein, and that he is, or has declared his intention to become, a citizen of the United States. Such oath shall be certified by a justice of the peace and shall accompany the certificate. The secretary shall cause the names of such cities and towns as the ap-

Pedlers'
licenses.

plicant designates, with the amounts to be paid to the respective treasurers thereof, as herein provided to be inserted in every such license, and shall receive from the applicant one dollar for each city and town so inserted. The licensee may sell in any city and town mentioned in his license any goods, wares or merchandise, not prohibited in section fourteen, upon payment to the treasurer thereof of the following fees: for each town containing not more than one thousand inhabitants, according to the then latest census, state or national, three dollars; for each town containing more than one thousand and not more than two thousand inhabitants, six dollars; for each town containing more than two thousand and not more than three thousand inhabitants, eight dollars; for each town containing more than three thousand and not more than four thousand inhabitants, ten dollars; and for each city and for all other towns, ten dollars and one dollar for every one thousand inhabitants thereof over four thousand; but the fee shall in no case exceed twenty-five dollars, and the amount paid shall be certified by the city or town treasurer on the face of the license. A licensee resident in a city or town, in which he pays taxes upon his stock in trade and is qualified to vote, shall pay as a fee to the treasurer of said city or town the amount, if any, by which the said license fee exceeds the amount paid by him to said city or town as taxes on his stock in trade assessed on the first of May previous to the date of said license. The secretary may grant as aforesaid special state licenses upon payment by the applicant of fifty dollars for each license; and the licensee may expose for sale in any city or town in the Commonwealth any goods, wares or merchandise, the sale of which is not prohibited.

Pedlers' licenses.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1905.

AN ACT RELATIVE TO STREETS AND LANDS IN THE NEIGHBORHOOD OF PARKS, PARKWAYS AND BOULEVARDS IN THE CITY OF BOSTON.

Chap. 205

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter five hundred and forty of the acts of the year eighteen hundred and ninety-eight, as amended by section one of chapter three hundred and thirty-one of the acts of the year nineteen hundred

1898, 540, § 2, etc., amended.

The park commissioners of Boston to control planting of trees, etc., in neighborhood of parks, etc.

and three, is hereby further amended by adding at the end of said section two the words:— and shall have all the powers of the mayor and board of aldermen in relation to trees on said boundary roads or parts of ways, — so as to read as follows:— *Section 2.* Said board of park commissioners shall have under their direction and control the planting and care of all trees, the placing of seats, standpipes, drinking fountains, and works of art on said boundary roads and parts of ways, and may establish such reasonable rules and regulations relating to the same and to said roads and parts of ways, and to the displaying of advertisements, and to the height and character of fences placed upon lands abutting upon said boundary roads or parts of ways, as they shall deem that the public interests require, and shall have all the powers of the mayor and board of aldermen in relation to trees on said boundary roads or parts of ways.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1905.

Chap. 206 AN ACT TO AUTHORIZE THE REFUNDING OF PARTS OF FEES FOR LICENSES FOR THE SALE OF INTOXICATING LIQUORS IN CERTAIN INSTANCES.

Be it enacted, etc., as follows:

R. L. 100, § 20, etc., amended.

SECTION 1. Section twenty of chapter one hundred of the Revised Laws, as amended by section one of chapter one hundred and seventy-one of the acts of the year nineteen hundred and two, is hereby further amended by inserting before the word “If”, in the first line, the words:— If a licensee dies before the expiration of the term of his license, or, — by inserting after the word “issued”, in the twelfth line, the words:— or, in case of his death, to his administrator or executor, stating, — by inserting after the word “party”, in the fourteenth line, the words:— or to such administrator or executor, — and by adding at the end of the said section the words:— If a licensee dies before the expiration of the term of his license, the city or town by which it was granted may refund to his executor or administrator a part of the license fee proportionate to the unexpired term of the license, and the proportionate part of the percentage which has been paid to the Commonwealth shall be refunded to the city or town, — so as to read as follows:— *Section 20.* If a

licensee dies before the expiration of the term of his license, or if a license has been surrendered and cancelled and not transferred the board or authority issuing the license may issue another such license of the same class, and the two licenses shall count as one license; and said board or authority shall require as a license fee for such second license a part of the license fee required therefor for the whole year proportionate to the unexpired term of the license. Said board or authority may in its discretion, in cases where two licenses of the same class have been issued for the same place in the same year, give a certificate to the party to whom the first license was issued, or, in case of his death, to his administrator or executor, stating that a part of the fee paid therefor proportionate to the unexpired term of the license is to be refunded to such party, or to such administrator or executor, by the treasurer of the city or town from the fees thereafter received by said treasurer for licenses to sell intoxicating liquors. Said treasurer shall comply with the requirements of such certificate, and shall retain one quarter of the amount so paid from any money thereafter due from him or the city to the Commonwealth on account of licenses to sell intoxicating liquors. If a licensee dies before the expiration of the term of his license, the city or town by which it was granted may refund to his executor or administrator a part of the license fee proportionate to the unexpired term of the license, and the proportionate part of the percentage which has been paid to the Commonwealth shall be refunded to the city or town.

A new license may issue in case a licensee dies, etc.

Part of fee may be refunded in certain cases, etc.

SECTION 2. This act shall take effect upon its passage and shall apply to licenses granted in the year nineteen hundred and four as well as to all licenses granted thereafter.

When to take effect, etc.

Approved March 23, 1905.

AN ACT TO AUTHORIZE THE BERKSHIRE RAILROAD COMPANY, *Chap. 207*
THE STOCKBRIDGE AND PITTSFIELD RAILROAD COMPANY AND
THE WEST STOCKBRIDGE RAILROAD COMPANY TO UNITE.

Be it enacted. etc., as follows:

SECTION 1. The Berkshire Railroad Company, the Stockbridge and Pittsfield Railroad Company and the West Stockbridge Railroad Company are hereby authorized, by a vote of a majority in interest of the stockholders of each of said corporations, at meetings called for the

Certain railroad companies may unite as the Berkshire Railroad Company.

Certain railroad companies may unite as the Berkshire Railroad Company.

purpose, to unite themselves in one corporation, to be called Berkshire Railroad Company. The terms of such union shall be as set forth in said votes. When such votes shall have been passed by said corporations, and the terms of the proposed union shall have been approved by the board of railroad commissioners, and a certificate signed by the board setting forth the vote of approval shall have been filed in the office of the secretary of the Commonwealth, as required by section two hundred and seventy-eight of chapter one hundred and eleven of the Revised Laws, the said corporations shall thereupon become one corporation with the name aforesaid; and all the franchises, property, powers and privileges now enjoyed by, and all the restrictions, liabilities and obligations imposed upon, said three corporations, by virtue of their respective charters, shall appertain to said united corporation in the same manner as if the same had been contained in or acquired under an original charter.

Dissenting stockholders to file declaration, etc.

Proviso.

Value of shares of dissenting stockholders, how determined, etc.

SECTION 2. Every stockholder of each corporation shall be deemed to assent to the consolidation authorized by this act, unless, within sixty days after the date of approval by the board of railroad commissioners of such consolidation, he shall file with the clerk of the company whose shares he holds a writing declaring his dissent from the consolidation, and stating the number of shares held by him and the number of the certificate or certificates evidencing the same: *provided, however*, that as against any stockholder legally incapacitated from acting for himself, and having no legal guardian, said period of sixty days shall not begin to run until the removal of such incapacity by the appointment of a legal guardian or otherwise. The shares of any stockholder dissenting as above specified shall be acquired by the company and shall be valued, and the value thereof shall be paid or tendered or deposited to or for the account of such stockholder in the manner following:— Within sixty days after the filing of any stockholder's dissent as above provided the company shall file its petition with the supreme judicial court sitting within and for the county of Berkshire, setting forth the material facts and praying that the value of such dissenting stockholder's shares may be determined. Thereupon, after such notice to all parties concerned as it may deem proper, said court shall pass an order requiring such dissenting stockholder's certificate or cer-

tificates of stock to be deposited with the clerk of said court, and shall appoint three commissioners to ascertain and report the value of such dissenting stockholder's shares. Such report shall be made to the court as soon as practicable, and after due notice to the parties in interest it shall be accepted by the court, unless before such acceptance either of the parties to said proceeding shall claim a trial by jury, in which case the court shall order the value of said shares to be tried and determined by a jury in the same manner in which other civil cases are tried in said court. The said commissioners' report, or such verdict when accepted by the court, shall be final and conclusive as to the value of such dissenting stockholder's shares, and the amount so ascertained as such value shall at once be paid or tendered to such stockholder, or, if such payment or tender be impracticable, the money shall be paid into court. Upon such payment or tender or deposit the shares of such dissenting stockholder and the certificate or certificates thereof shall become the property of the company, whose right and title thereto may be enforced by the court by any appropriate order or process. Exceptions may be taken to any ruling or order of said court, to be heard and determined by the full court, as in other civil cases. Said court may make all such orders for the enforcement of the rights of any party to the proceedings, for the consolidation of two or more petitions and their reference to the same commissioners, for the consolidation of claims for a trial by jury and the trial of two or more cases by the same jury, for the deposit of money in court, and for the payment of interest upon the value of the stockholder's shares, as determined, and the payment of costs by one party to the other, as justice and the speedy settlement of the matters in controversy may require.

Value of shares of dissenting stockholders, how determined, etc.

Exceptions, orders of court, etc.

SECTION 3. The capital stock of the consolidated company shall not exceed in amount the aggregate of the outstanding capital stock of the uniting companies.

Capital stock.

SECTION 4. This act shall take effect upon its passage.

Approved March 23, 1905.

*Chap.*208 AN ACT TO PROHIBIT UNAUTHORIZED PERSONS FROM RIDING
UPON A RAILROAD OR UPON THE PROPERTY OF THE BOSTON
TERMINAL COMPANY.

Be it enacted, etc., as follows:

Penalty for
riding upon a
railroad or
upon the
property of
the Boston
Terminal Com-
pany without
authority.

Whoever, without right, rides or attempts to ride upon a locomotive engine, tender, freight car, caboose, or other conveyance not a part of a passenger train, upon a railroad or upon the property of the Boston Terminal Company, after being requested to leave the same by an employee of the railroad or of said Boston Terminal Company, or by a police officer, shall be punished by a fine of not more than fifty dollars or imprisonment for not more than six months. A sheriff, deputy sheriff, constable, police officer, railroad police officer, or officer appointed with the powers of a railroad police officer, upon view of such an offence, may, without warrant, arrest the offender and make complaint against him therefor.

Approved March 23, 1905.

*Chap.*209 AN ACT RELATIVE TO THE MARKING OF CRANBERRY BARRELS
AND CRATES.

Be it enacted, etc., as follows:

1903, 408, § 2,
amended.

Cranberry
barrels and
crates to be of
Massachusetts
standard
measure, etc.

Penalty.

Enforcement
of provisions.

SECTION 1. Section two of chapter four hundred and eight of the acts of the year nineteen hundred and three is hereby amended by striking out the word "deputy", in the ninth line, so as to read as follows: — *Section 2.* Every barrel or crate used for the sale or delivery of cranberries shall be of the Massachusetts standard measure, and shall be marked as required by this act. No person shall use any barrel or crate for such sale or delivery the capacity of which is less than that of the standard barrel or crate herein provided for. Any person violating any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars. The scalers of weights and measures of the several cities and towns shall cause the provisions of this act to be enforced.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1905.

AN ACT RELATIVE TO LOITERING UPON THE PREMISES OF RAILROAD CORPORATIONS. *Chap. 210*

Be it enacted, etc., as follows:

SECTION 1. Section two hundred and fifty of chapter one hundred and eleven of the Revised Laws is hereby amended by inserting after the word "by", in the fourth line, the words: — a police officer or by, — so as to read as follows: — *Section 250.* Whoever without right loiters or remains within a station house of a railroad corporation or upon the platform or grounds adjacent to such station, after being requested to leave the same by a police officer or by a railroad police officer, shall forfeit not less than two nor more than twenty dollars.

R. L. 111, § 250, amended.

Penalty for loitering upon the premises of railroad corporations.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1905.

AN ACT TO ESTABLISH A NEW FISCAL YEAR FOR THE COMMONWEALTH. *Chap. 211*

Be it enacted, etc., as follows:

SECTION 1. The fiscal year of all offices, departments, boards, commissions, hospitals, asylums, charitable, penal and reformatory institutions of the Commonwealth shall begin with the first day of December and end with the following thirtieth day of November, and all books and accounts therein shall be kept by fiscal years as herein established, and the annual reports of all officers, trustees, boards and commissions, except the report of the insurance commissioner and except those reports otherwise provided for in this act, shall be made to the governor and council, or to the general court, as now required by law, except that they shall be made on or before the third Wednesday in January, anything in any general or special statute now existing to the contrary notwithstanding. Such reports shall be deposited with the secretary of the Commonwealth, who shall transmit them to the governor and council or to the general court. The financial statements now required by law to be included therein shall be made for the fiscal year as herein established. The annual meetings of trustees of state institutions and of state boards, at which financial statements are required by law to be presented, shall be held in the month of December in each year.

The fiscal year for the Commonwealth to begin December 1, etc.

R. L. 6, § 9,
amended.

Treasurer's
annual report.

R. L. 6, § 21,
amended.

Examination
of books, etc.,
of treasurer
and auditor.

R. L. 6, § 22,
amended.

Auditor's
annual report.

R. L. 6, § 25,
amended.

Auditor's
annual report.

R. L. 6, § 26,
amended.

SECTION 2. Section nine of chapter six of the Revised Laws is hereby amended by inserting after the word "annually", in the first line, the words:—on the first Wednesday,—and by inserting after the word "preceding", in the third line, the word:—fiscal,—so as to read as follows:—*Section 9.* He shall annually, on the first Wednesday in January, report to the general court a statement of the transactions of his department for the preceding fiscal year, including a specific statement of all warrants remaining unpaid and of the names of the persons in whose favor they are drawn.

SECTION 3. Section twenty-one of said chapter is hereby amended by striking out the word "January", in the first line, and inserting in place thereof the word:—December,—so as to read as follows:—*Section 21.* He shall annually in December examine the books, accounts and vouchers of the treasurer and receiver general; and his own books and accounts shall be subject at any time to such examination as the governor and council or the general court may order. He shall comply with any regulations relative to the duties of his office which may be made in writing by the governor and council, and not inconsistent with the provisions of this chapter.

SECTION 4. Said chapter six is hereby further amended by striking out section twenty-two and inserting in place thereof the following:—*Section 22.* He shall annually on the first Wednesday in January submit to the general court an abstract of his report, in print, exhibiting a full and accurate statement of the financial condition and transactions of the Commonwealth for the preceding fiscal year, and as soon as may be thereafter he shall submit, in print, his report in detail.

SECTION 5. Section twenty-five of said chapter is hereby amended by inserting before the word "year", in the second line, the word:—fiscal,—so as to read as follows:—*Section 25.* Such report shall include an estimate, for the current fiscal year, of the ordinary and other revenue of the Commonwealth and of the expenses of the departments, boards and commissions and of all other persons acting under the authority of the Commonwealth. Such expenses shall be provided for by annual appropriations.

SECTION 6. Section twenty-six of said chapter is hereby amended by striking out the words "except for

the payment of salaries ", in the third line, by striking out the word " December ", in the fourth line, and inserting in place thereof the word:— November, — by striking out the word " current ", in the sixth line, and inserting in place thereof the words:— preceding fiscal, — by striking out the word " ensuing ", in the seventh line, and inserting in place thereof the words:— current fiscal, — and by striking out the word " second ", in the eleventh line, and inserting in place thereof the word:— first, — so as to read as follows:— *Section 26.* Every officer or board having charge of any department requiring an expenditure of money from the treasury of the Commonwealth, shall annually, on or before the fifteenth day of November, submit to the auditor of accounts estimates in detail and in tabular form showing the amounts appropriated for the preceding fiscal year and the amounts required for the current fiscal year, with an explanation of the necessity of any new or increased or decreased expenditures, and citations of the statutes relating thereto. The auditor shall embody such estimates, with those for his own department, in one document, which shall be printed and laid before the general court on the first Wednesday of the succeeding January.

Annual estimates of appropriations.

SECTION 7. Section thirty-one of said chapter is hereby amended by striking out the word " political ", in the second line, and inserting in place thereof the word:— fiscal, — by inserting after the word " succeeding ", in the third line, the word:— fiscal, — and by inserting after the word " succeeding ", in the sixth line, the word:— fiscal, — so as to read as follows:— *Section 31.* If an appropriation or a portion thereof is not expended within the fiscal year in which it is made or within the succeeding fiscal year, it, or the unapplied balance thereof, shall revert to the general treasury and shall not afterward be paid out except upon a new appropriation. An unexpended balance of an appropriation for a specific year may be applied in the succeeding fiscal year to the purpose for which the appropriation was made.

R. L. 6, § 31, amended.

Unexpended appropriations to revert, etc.

SECTION 8. Section thirty-seven of said chapter is hereby amended by striking out the word " twenty-fifth ", in the seventh line, and inserting in place thereof the word:— first, — so as to read as follows:— *Section 37.* Such officers shall, within thirty days after the receipt of an advance, file with the auditor a detailed statement of

R. L. 6, § 37, amended.

Statement in detail to auditor.

the amounts expended subsequent to the previous accounting, approved by the board authorized to supervise such expenditure, and vouchers therefor if they can be obtained. All advances so made shall be accounted for and vouchers therefor filed with the auditor before the first day of December in each year.

R. L. 6, § 38,
amended.

Payments
from ordinary
revenue, etc.

SECTION 9. Section thirty-eight of said chapter is hereby amended by inserting after the word "each", in the fourth line, the word:—fiscal,—so as to read as follows:—*Section 38.* Payments authorized by appropriation acts shall be made from the ordinary revenue, if no other provision is expressly made therefor. Cash from the ordinary revenue on hand at the beginning of each fiscal year shall be carried to the account of the ordinary revenue of that year.

R. L. 6, § 40,
amended.

Purchases
by officers
regulated, etc.

SECTION 10. Section forty of said chapter is hereby amended by striking out the words "month of", in the seventh line, and inserting in place thereof the words:—months of December and,—and by striking out the word "January", in the twelfth line, and inserting in place thereof the word:—December,—so as to read as follows:—*Section 40.* No officer shall make purchases or incur liabilities in the name of the Commonwealth for a larger amount than has been appropriated for the service or purpose for which such purchases have been made or liabilities incurred; and the Commonwealth shall not be responsible for the acts of its servants and officers for any amount in excess of its appropriations. Officers or boards may continue their several departments during the months of December and January, until the general court otherwise orders, at the rate of expenditure authorized by the appropriations for the preceding year. If expenditures are made in excess of appropriations, the officers having charge of such expenditures shall annually, on or before the fifteenth day of December, report to the auditor the details of such expenditures with the reasons therefor, and the auditor shall make a special report of the same to the general court early in its session.

R. L. 84, § 7,
amended.

Trustees of
institutions to
make an

SECTION 11. Section seven of chapter eighty-four of the Revised Laws is hereby amended by striking out the word "September", in the second line, and inserting in place thereof the word:—November,—so as to read as follows:—*Section 7.* The trustees of each institution named in section two shall annually on the thirtieth day

of November cause to be made and sent to the board an accurate inventory of the stock and supplies on hand and the value and amount thereof, under the following heads: — annual inventory, etc.

Live stock on the farm, produce of the farm on hand, carriages and agricultural implements, machinery and mechanical fixtures, beds and bedding in the inmates' department, other furniture in the inmates' department, personal property of the Commonwealth in the superintendent's department, ready-made clothing, dry goods, provisions and groceries, drugs and medicines, fuel, library.

SECTION 12. Appropriations of the general court for the year nineteen hundred and six shall be made for the eleven months from the first day of January to the thirtieth day of November, inclusive. Appropriations made by the general court thereafter shall be made for the fiscal year beginning on the first day of the preceding December and ending on the thirtieth day of the succeeding November, both inclusive. Appropriations.

SECTION 13. Section twenty-seven of chapter six and section five of chapter nine of the Revised Laws and all other acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 14. This act shall take effect on the thirty-first day of December in the year nineteen hundred and five. When to take effect.

Approved March 23, 1905.

AN ACT RELATIVE TO A RELIEF STATION IN THE EAST BOSTON DISTRICT OF THE CITY OF BOSTON.

Chap. 212

Be it enacted, etc., as follows:

SECTION 1. The hospital trustees of the city of Boston shall take, by purchase or otherwise, such real estate in the East Boston district of the city as the trustees shall deem proper, and shall erect thereon a building and prepare grounds for, and furnish and equip a branch hospital of the Boston city hospital. Branch of Boston city hospital to be erected, etc.

SECTION 2. For the purpose of meeting the expenses incurred in carrying out the provisions of this act the treasurer of the city of Boston shall from time to time issue notes, bonds or scrip within the debt limit of the city, to an amount not exceeding one hundred thousand dollars. Such notes, bonds or scrip shall bear such in- City treasurer to issue notes, bonds, etc.

terest, payable semi-annually, not exceeding four per cent per annum, and shall be payable at such times, not less than ten nor more than forty years from their date, as shall be determined by the said treasurer.

Taking of land,
etc.

SECTION 3. The trustees, to make any taking by right of eminent domain, shall cause to be recorded in the registry of deeds for the county of Suffolk a description of the land sufficient for identification, and approved by the mayor of the city. Such record shall constitute the taking, and the provisions of law applicable to the recovery of damages for the taking of land for highways in the city shall, so far as the same are applicable, apply to the recovery of damages for the taking of land under this act.

When to take
effect.

SECTION 4. This act shall take effect upon its acceptance by a two thirds vote of each branch of the city council of said city.

Approved March 24, 1905.

Chap. 213 AN ACT RELATIVE TO THE APPROVAL OF AGE AND SCHOOLING
CERTIFICATES OF MINORS.

Be it enacted, etc., as follows:

R. L. 106, § 31,
etc., amended.

SECTION 1. Chapter one hundred and six of the Revised Laws, as amended by section one of chapter four hundred and thirty-two of the acts of the year nineteen hundred and four, is hereby further amended by striking out section thirty-one and inserting in place thereof the following: — *Section 31.* An age or schooling certificate shall not be approved unless satisfactory evidence is furnished by a certificate of birth or baptism of such minor, or by the register of birth of such minor with a city or town clerk, that such minor is of the age stated in the certificate, except that other evidence, under oath, may be accepted in case the superintendent or person authorized by the school committee, as provided in the preceding section, decides that neither the certificate of birth or baptism, nor the register of birth is available for the purpose.

Approval of
age and school-
ing certificates
of minors.

When to take
effect.

SECTION 2. This act shall take effect on the first day of July in the year nineteen hundred and five.

Approved March 24, 1905.

AN ACT MAKING AN APPROPRIATION FOR OPERATING THE SOUTH METROPOLITAN SYSTEM OF SEWAGE DISPOSAL. *Chap.214*

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding one hundred and forty-four thousand nine hundred and twenty dollars is hereby appropriated, to be paid out of the South Metropolitan System Maintenance Fund, for the cost of maintenance and operation of the south metropolitan system of sewage disposal, comprising a part of Boston, the cities of Newton, Quincy and Waltham, and the towns of Brookline, Watertown, Dedham, Hyde Park and Milton, during the year ending on the thirty-first day of December, nineteen hundred and five.

South metro-
politan system
of sewage
disposal.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1905.

AN ACT MAKING AN APPROPRIATION FOR OPERATING THE NORTH METROPOLITAN SYSTEM OF SEWAGE DISPOSAL. *Chap.215*

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding one hundred and twenty-seven thousand dollars is hereby appropriated, to be paid out of the North Metropolitan System Maintenance Fund, for the maintenance and operation of the system of sewage disposal for the cities and towns included in what is known as the north metropolitan system, during the year ending on the thirty-first day of December, nineteen hundred and five.

North metro-
politan system
of sewage
disposal.

SECTION 2. This act shall take effect upon its passage.

Approved March 24, 1905.

AN ACT TO PROVIDE FOR THE ELECTION OF TWO ADDITIONAL TRUSTEES OF THE LOWELL TEXTILE SCHOOL BY THE GRADUATES THEREOF. *Chap.216*

Be it enacted, etc., as follows:

SECTION 1. Graduates of the Lowell textile school who hold the diploma of the trustees and faculty thereof may, at the annual meeting of the alumni of the school, or at a special meeting duly called for the purpose, with notice thereof to each graduate entitled to vote, choose by ballot one trustee for the term of one year from the first

Graduates of
the Lowell
textile school
may elect two
additional
trustees.

Certain
persons not
eligible.

Trustees to
prescribe
method of
voting, etc.

day of July next succeeding such election, and one trustee for the term of two years from said date, and thereafter annually may elect one trustee for the term of two years. Said trustees shall be in addition to those provided for by chapter four hundred and seventy-five of the acts of the year eighteen hundred and ninety-five, and by acts in amendment thereof or in addition thereto. No trustee, officer, instructor or other employee of said corporation or school, and no person graduated at the school in the year in which the election is held, shall be eligible for election as such trustee.

SECTION 2. The trustees of the Lowell textile school shall prescribe the method of voting and of certifying the vote. Duly certified proxies of graduates entitled to vote, but who are not present, shall be recognized.

Approved March 24, 1905.

Chap.217 AN ACT TO ABOLISH THE BOARD OF PUBLIC WORKS IN THE CITY OF LYNN.

Be it enacted, etc., as follows:

Board of public
works in
city of Lynn
abolished, etc.

SECTION 1. The board of public works in the city of Lynn, established under the provisions of section thirty-four of chapter three hundred and sixty-seven of the acts of the year nineteen hundred, entitled "An Act to revise the charter of the city of Lynn", is hereby abolished, and the board of aldermen of that city shall hereafter have and exercise all the powers and authority conferred by said section on the board of public works.

Superintendent
of streets
to be ap-
pointed, etc.

SECTION 2. The mayor of said city shall annually in the month of March appoint, subject to confirmation by the board of aldermen, a superintendent of streets who shall perform such duties and receive such compensation as the board of aldermen shall prescribe and determine.

Repeal.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

To be sub-
mitted to
voters, etc.

SECTION 4. This act shall be submitted to the voters of the city of Lynn at the next state election, and shall take effect upon its acceptance by a majority of the voters voting thereon. The question to be placed upon the ballot shall be: — "Shall the board of public works of this city be abolished?"

Approved March 24, 1905.

AN ACT RELATIVE TO THE APPOINTMENT BY THE SERGEANT-AT-ARMS OF A CLERK OF THE LEGISLATIVE DOCUMENT DIVISION. *Chap. 218*

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter ten of the Revised Laws is hereby amended by striking out the words “and three”, in the third line, and inserting in place thereof the word:—two,—and by inserting after the word “messengers”, in the fourth line, the words:—and one person who shall be clerk of the legislative document division,—so as to read as follows:—*Section 6.* He shall, annually, with the approval of the secretary and the treasurer and receiver general, appoint a clerk, who shall also act as clerk of the state house commission, two sergeant-at-arms’ messengers, and one person who shall be clerk of the legislative document division, whom he may at any time remove and for whose fidelity and good conduct he shall be responsible.

R. L. 10, § 6,
amended.

Sergeant-at-arms’ clerks and messengers, appointment, etc.

SECTION 2. Section ten of said chapter is hereby amended by inserting after the word “dollars”, at the end of the third line, the words:—of the clerk of the legislative document division, twelve hundred dollars,—so as to read as follows:—*Section 10.* The annual salary of the sergeant-at-arms shall be thirty-five hundred dollars; of his first clerk, twenty-two hundred dollars; of each of his messengers, eleven hundred dollars; of the clerk of the legislative document division, twelve hundred dollars; of the messenger to the treasurer and receiver general, sixteen hundred dollars.

R. L. 10, § 10,
amended.

Salary of sergeant-at-arms, etc.

SECTION 3. This act shall take effect upon its passage, except that the salary provided for in the preceding section to be paid to the clerk of the legislative document division shall be allowed and paid from the first day of January of the year nineteen hundred and five.

When to take effect.

Approved March 24, 1905.

AN ACT TO ESTABLISH A PART OF THE BOUNDARY LINE BETWEEN THE TOWNS OF NEWBURY AND ROWLEY. *Chap. 219*

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be a part of the boundary line between the towns

Part of boundary line between New-

bury and
Rowley estab-
lished.

of Newbury and Rowley: — Beginning at a point in the present line between the towns of Newbury and Rowley, at a granite monument standing in the channel of Great creek under the westerly end of the bridge in the street known as Main street in Rowley and High street in Newbury, in latitude forty-two degrees, forty-five minutes, seventy-one hundredths seconds, and longitude seventy degrees, fifty-one minutes, twenty-one and twenty-six hundredths seconds; thence south seventy-five degrees, twenty-one minutes west, true bearing, fifteen hundred and eighty-one feet to a granite monument standing on the easterly side of a discontinued way, formerly the old post road, in latitude forty-two degrees, forty-four minutes, fifty-six and seventy-six hundredths seconds, and longitude seventy degrees, fifty-one minutes, forty-one and seventy-seven hundredths seconds; thence south eighty-seven degrees, thirty-two minutes west, true bearing, twenty-two hundred and eighty-three feet to a granite monument standing on Bishop's island, in latitude forty-two degrees, forty-four minutes, fifty-five and seventy-nine hundredths seconds, and longitude seventy degrees, fifty-two minutes, twelve and thirty-four hundredths seconds; thence north fifty-five degrees, twelve minutes west, true bearing, five hundred and ninety-six feet to a cedar post standing in marsh in latitude forty-two degrees, forty-four minutes, fifty-nine and sixteen hundredths seconds, and longitude seventy degrees, fifty-two minutes, eighteen and ninety-two hundredths seconds; thence in the same direction about four hundred and twenty-five feet to the centre of Mill creek; thence in a generally westerly direction, following the centre line of Mill creek about fifteen thousand feet, to a point about four hundred feet, north sixty-eight degrees, thirty-one minutes east, true bearing, from a granite monument, standing in a wall and about one hundred feet northwest of the house of Nathaniel Dummer, said monument being in latitude forty-two degrees, forty-four minutes, thirty and sixteen hundredths seconds, and longitude seventy degrees, fifty-four minutes, three and forty-five hundredths seconds; thence south sixty-eight degrees, thirty-one minutes west, true bearing, about sixty-seven hundred and thirteen feet, passing through the last described monument to a granite monument, in latitude forty-two degrees, forty-four minutes, seven and thirty-two hundredths seconds, and longi-

tude seventy degrees, fifty-five minutes, twenty-two and seventeen hundredths seconds; thence north sixty-two degrees, nineteen minutes west, true bearing, five hundred and forty-seven feet, to the present corner of the towns of Georgetown, Newbury and Rowley at Frazier's rock, in latitude forty-two degrees, forty-four minutes, nine and eighty-three hundredths seconds, and longitude seventy degrees, fifty-five minutes, and twenty-eight and sixty-six hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1905.

AN ACT RELATIVE TO WOOD ALCOHOL.

Chap. 220

Be it enacted, etc., as follows:

SECTION 1. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, shall affix to the vessel containing the same and shall deliver therewith a label bearing the words "Wood Alcohol, Poison", in black letters of uncondensed Gothic type not less than one fourth of an inch in height. Whoever violates the provisions of this section shall pay a fine of not less than fifty dollars nor more than two hundred dollars.

Penalty for selling, etc., wood alcohol without a poison label.

SECTION 2. Whoever, himself or by his servant or agent, or as the servant or agent of any other person, sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, shall be punished by a fine of not less than two hundred dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Penalty for selling, etc., articles of food or drink, etc., containing wood alcohol.

Approved March 27, 1905.

AN ACT TO AUTHORIZE THE CONVEYANCE OF CERTAIN REAL ESTATE USED FOR SCHOOL PURPOSES BY THE TOWN OF FRAMINGHAM.

Chap. 221

Be it enacted, etc., as follows:

SECTION 1. The town of Framingham is hereby authorized to sell and convey any or all of the real estate conveyed to it under the provisions of chapter one hun-

The town of Framingham may sell, etc., certain real estate.

dred and seventy-eight of the acts of the year eighteen hundred and fifty-one, free and discharged from any trust whatsoever, and any deed or deeds conveying the same shall be executed by the treasurer of the town in the name and behalf of the town.

Repeal.

SECTION 2. So much of said chapter one hundred and seventy-eight as is inconsistent herewith is hereby repealed.

When to take effect.

SECTION 3. This act shall take effect upon its acceptance by the town of Framingham at a meeting called for that purpose.

Approved March 27, 1905.

Chap.222 AN ACT RELATIVE TO CHANGES IN THE BY-LAWS OF BUSINESS CORPORATIONS AS TO THE DATE OF THE ANNUAL MEETING.

Be it enacted, etc., as follows:

Business corporations to file with commissioner of corporations a certificate of certain changes in by-laws.

SECTION 1. Every foreign and domestic corporation subject to the provisions of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three shall, whenever any change is made altering the date fixed in the by-laws for the annual meeting of the corporation, file in the office of the commissioner of corporations a certificate of such change, signed and sworn to by the clerk of the corporation.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1905.

Chap.223 AN ACT RELATIVE TO BENEFITS PAYABLE BY THE BOSTON POLICE RELIEF ASSOCIATION.

Be it enacted, etc., as follows:

Payment of benefits by the Boston Police Relief Association.

SECTION 1. The benefits to accrue by reason of the decease of members of the Boston Police Relief Association, incorporated by chapter sixteen of the acts of the year eighteen hundred and seventy-six, may be made payable, in such manner as the by-laws of said association shall provide, to the wife, child, child by legal adoption, parent, parent by legal adoption, or persons dependent upon the member named in the benefit certificate: *provided, however*, that when all the persons who might have a legal claim for support against a member have died or have ceased to have such claim, then, with the approval of the officers of the said association, and

Proviso.

subject to such rules as they may prescribe, any other person or any charitable, educational or religious corporation may be named as beneficiary in the certificate.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

Approved March 27, 1905.

AN ACT TO EXTEND THE TIME FOR PETITIONING FOR DAMAGES RESULTING FROM CERTAIN IMPROVEMENTS OF THE STATE HOUSE GROUNDS.

Chap. 224

Be it enacted, etc., as follows:

Section two of chapter five hundred and forty-three of the acts of the year nineteen hundred and two is hereby amended by striking out the word "two", in the twelfth line, and inserting in place thereof the word: — three, — so as to read as follows: — *Section 2.* Any person owning land on or within forty-two feet of Bowdoin street, between Allston street and Beacon street, or on or within ninety-five feet of Beacon street between the Claffin building, so-called, and Park street, whose property is damaged more than it is benefited by the improvement of the state house, consisting of the limitation of the height of buildings on said land, the laying out and grading of said streets, the removal of buildings between Hancock street and Bowdoin street, the reconstruction and extension of the state house and the construction of the park between Bowdoin street and the state house, may, within three years after the passage of this act, and not afterward, file in the office of the clerk of the superior court for the county of Suffolk, his petition for a jury to determine such damage, and a jury of said court shall thereupon determine the question, under the rules of law, so far as they are applicable, under which damages for the laying out of highways under the Revised Laws are determined. If the jury find that the petitioner is damaged more than he is benefited by said improvement they shall determine the amount of the difference, and the Commonwealth shall pay the same; and if the jury shall not so find, judgment shall be entered for the Commonwealth, costs taxed and execution issued therefor against the petitioner as in civil cases. The city of Boston shall repay to the Commonwealth all damages which the state shall

1902, 543, § 2,
amended.

Time extended
for petitioning
for damages on
account of
improvement
of state house.

be required to pay for the change of grade of Bowdoin street made under authority of the governor and council, and for all expenses incurred in making such change.

Approved March 27, 1905.

Chap. 225 AN ACT TO AUTHORIZE THE TOWN OF LEOMINSTER TO BORROW MONEY TO COMPLETE ITS HIGH SCHOOL BUILDING.

Be it enacted, etc., as follows:

The town of Leominster may borrow money to complete its high school building.

SECTION 1. The town of Leominster, for the purpose of completing its new high school building and of furnishing the same, and of laying out the grounds connected therewith, may incur indebtedness to an amount not exceeding one hundred thousand dollars, and to secure the same may issue its bonds, notes or scrip, payable within twenty years from the date thereof, and bearing interest, payable semi-annually, at a rate not exceeding four per cent per annum.

Not to be reckoned in determining debt limit.

SECTION 2. The indebtedness incurred under this act shall not be reckoned in determining the statutory limit of indebtedness of the said town.

R. L. 27 to apply.

SECTION 3. The provisions of chapter twenty-seven of the Revised Laws shall apply to the issue of such bonds, notes or scrip, and to the establishment of a sinking fund for the payment thereof at maturity; but instead of establishing a sinking fund the town may at the time of authorizing the said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same at maturity.

Approved March 27, 1905.

Chap. 226 AN ACT TO AUTHORIZE THE TOWN OF PEABODY TO ISSUE ADDITIONAL WATER BONDS.

Be it enacted, etc., as follows:

Peabody Water Bonds, 1905.

SECTION 1. The town of Peabody, for the purposes mentioned in section three of chapter one hundred and seventy-one of the acts of the year eighteen hundred and eighty-one, and for the purpose of improving the distribution system, may issue bonds, notes or scrip to be denominated on the face thereof, Peabody Water Bonds, 1905, to an amount not exceeding one hundred and twenty thousand dollars in addition to the amount heretofore authorized by law to be issued by said town for the same purposes. Such bonds, notes or scrip shall be issued upon

the same terms and conditions and with the same powers as are provided in said chapter one hundred and seventy-one for the issue of Peabody water bonds by said town.

SECTION 2. This act shall take effect on its acceptance by the town of Peabody.

When to take effect.

Approved March 27, 1905.

AN ACT TO AUTHORIZE THE TOWN OF WEBSTER TO LAY A PART OF ITS MAIN DRAINS FOR SEWERAGE THROUGH THE TOWN OF DUDLEY. Chap. 227

Be it enacted, etc., as follows:

SECTION 1. The town of Webster is hereby authorized, through its board of sewer commissioners, to lay out, construct and maintain a part of its main drains in its system of sewerage, within the limits of the town of Dudley, and may, by said board, take by purchase or otherwise any lands, water rights, rights of way or easements in the town of Dudley deemed by said board necessary for carrying out the system of sewerage of said Webster and for making connections therewith.

The town of Webster may take certain lands, etc., in Dudley.

SECTION 2. No sewers or other works shall be constructed under the authority of this act until the same have been approved by the state board of health, after a hearing by said board, of which hearing such notice shall be given by the board as it may deem proper; and the board, after such hearing, may reject the system submitted, may approve it, or may modify or amend the same and approve it as so modified and amended.

Sewers, etc., to be approved by the state board of health, etc.

SECTION 3. The town of Webster, for the purposes of this act, may construct, repair and maintain its sewers, pipes and conduits under any railroad, railway or other way, in such a manner as not unnecessarily to obstruct the same, and may enter upon and dig up any private land or way, and may do any other thing necessary or proper in carrying out the purposes of this act.

Construction of sewers, etc.

SECTION 4. The town of Webster and the said board of sewer commissioners, in exercising the powers conferred by this act, shall in all respects be governed by the obligations and restrictions specified in chapter three hundred and forty-five of the acts of the year eighteen hundred and ninety-eight, entitled "An Act to authorize the town of Webster to construct and maintain a system of sewerage and sewage disposal."

Certain provisions of law to apply.

Approved March 28, 1905.

*Chap.*228 AN ACT RELATIVE TO THE ENFORCEMENT OF STOCKHOLDERS' LIABILITIES IN TRUST COMPANIES.

Be it enacted, etc., as follows:

R. L. 116, § 30,
amended.

Liability of
stockholders
in trust
companies.

SECTION 1. Section thirty of chapter one hundred and sixteen of the Revised Laws is hereby amended by adding at the end thereof the words: — and receivers of insolvent trust companies may, with the approval of the supreme judicial court, enforce such liability, — so as to read as follows: — *Section 30.* The stockholders of such corporation shall be personally liable, equally and ratably and not one for another, for all contracts, debts and engagements of the corporation, to the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. The provisions of sections sixty to sixty-eight, inclusive, of chapter one hundred and ten shall apply to and regulate the enforcement of such liability, and receivers of insolvent trust companies may, with the approval of the supreme judicial court, enforce such liability.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1905.

*Chap.*229 AN ACT RELATIVE TO THE PUBLICATION OF CERTAIN PROBATE NOTICES.

Be it enacted, etc., as follows:

R. L. 162, § 47,
amended.

Publication of
certain probate
notices.

Section forty-seven of chapter one hundred and sixty-two of the Revised Laws is hereby amended by inserting after the word “published”, in the third line, the words: — preference to be given to a newspaper, if there be any, published in the city or town in which the deceased person last dwelt, unless, in the judgment of the register of probate, the interests of all parties require publication in some other locality, — so as to read as follows: — *Section 47.* Parties to probate proceedings may select the newspapers in which the notices which may be ordered upon their petitions shall be published, preference to be given to a newspaper, if there be any, published in the city or town in which the deceased person last dwelt, unless, in the judgment of the register of probate, the interests of all parties require publication in some other locality; but the court may order the notice to be published in one other newspaper.

Approved March 28, 1905.

AN ACT TO AUTHORIZE THE CITY OF EVERETT TO INCUR IN-DEBTEDNESS FOR SEWERAGE PURPOSES. Chap.230

Be it enacted, etc., as follows:

SECTION 1. The city of Everett, for the purpose of completing and extending its system of sewerage and of sewage disposal, and for the purchase of land necessary therefor, may incur indebtedness beyond the limit fixed by law to an amount not exceeding twenty-five thousand dollars, and may issue bonds, notes or scrip therefor. Such bonds, notes or scrip shall be payable within such period, not exceeding thirty years from the date thereof, as the city council shall determine. They shall be denominated on the face thereof, Everett Sewer Loan, and shall be signed by the mayor and treasurer of said city. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws and of all acts in amendment thereof and in addition thereto shall, so far as they may be applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

Everett Sewer Loan.

R. L. 27, etc., to apply.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1905.

AN ACT TO PROVIDE THAT CERTAIN EMPLOYEES OF JAILS AND HOUSES OF CORRECTION SHALL BE ALLOWED TWO DAYS OFF IN EVERY MONTH. Chap.231

Be it enacted, etc., as follows:

SECTION 1. Every employee of a house of correction or county jail whose duties require his presence at such house of correction or county jail seven days a week shall be given at least two days of vacation in each month, which shall be in addition to any annual vacation now or hereafter allowed to said employees, and shall be without loss of pay.

Certain employees of jails, etc., to be allowed two days off in every month.

SECTION 2. This act shall take effect on the first day of July in the year nineteen hundred and five.

When to take effect.

Approved March 28, 1905.

Chap.232 AN ACT TO AUTHORIZE THE CITY TRUST COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows:

The City Trust Company may increase its capital stock.

Provisos.

SECTION 1. The City Trust Company, incorporated by chapter eighty-three of the acts of the year nineteen hundred, is hereby authorized to increase its capital stock from time to time, to an amount not exceeding three million dollars, in such manner and upon such terms and conditions as the stockholders of said corporation may determine: *provided*, that no certificate of shares shall be issued until the par value of such shares shall have been paid in in cash; and *provided, further*, that the stockholders of said corporation shall individually be responsible, equally and ratably, and not one for the other, for all contracts, debts and engagements of said corporation, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1905.

Chap.233 AN ACT RELATIVE TO THE ANNUAL CERTIFICATE OF CONDITION OF FOREIGN CORPORATIONS.

Be it enacted, etc., as follows:

1903, 437, § 66, amended.

Certain foreign corporations to file certificate of condition in office of secretary of the Commonwealth annually.

SECTION 1. Section sixty-six of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three is hereby amended by striking out the word "sixty", in the thirteenth line, and inserting in place thereof the word: — ninety, — so as to read as follows: — *Section 66.* Every foreign corporation of the classes described in section fifty-eight shall annually, within thirty days after the date fixed for its annual meeting last preceding the date of such certificate, or within thirty days after the final adjournment of said meeting, but not more than three months after the date so fixed for said meeting, prepare and file in the office of the secretary of the Commonwealth, upon payment of the fee hereinafter provided, a certificate signed and sworn to by its president, treasurer and by a majority of its board of directors showing the amount of its authorized capital stock, and its assets and liabilities as of a date not more than ninety days prior to said annual meeting, in such form as is required of domestic corporations under the provisions

of section forty-five, and the change or changes, if any, in the other particulars included in the certificate required by section sixty made since the filing of said certificate or of the last annual report.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1905.

AN ACT TO INCORPORATE THE CONTRACTORS MUTUAL LIABILITY INSURANCE COMPANY.

Chap. 234

Be it enacted, etc., as follows:

SECTION 1. Angus MacDonald, Allan McIntosh, H. Newton Marshall, John H. Fitzgerald, John T. Scully, Benjamin J. Graham, J. Fred Carr, William A. McConnell, George F. Sleep, Edward F. Mayberger, Byron B. Moulton, Leander K. Marston, Ottomar Wallburg, Herbert P. Cummings, Arthur W. Joslin and Norman F. Hesseltine, their associates and successors, are hereby made a corporation by the name of The Contractors Mutual Liability Insurance Company, to be located in the city of Boston; for the purpose and with the power and authority of insuring any person, firm or corporation, against loss or damage on account of the bodily injury or death by accident of any person for which loss or damage such person, firm or corporation is responsible.

The Contractors Mutual Liability Insurance Company incorporated.

SECTION 2. Said company shall charge and collect upon its policies a full mutual premium in cash or notes absolutely payable, and may in its by-laws and policies fix the contingent mutual liability of its members for the payment of losses and expenses not provided for by its cash funds: *provided*, that such contingent liability of a member shall not be less than a sum equal to and in addition to the cash premium written in his policy. The total amount of the liability of the policy holder shall be plainly and legibly stated upon the back of each policy.

To charge and collect upon its policies a full mutual premium, etc.

Proviso.

SECTION 3. No policy shall be issued by said company until insurance therein shall have been subscribed and entered upon its books, the aggregate amount of the cash premiums from which shall be not less than fifty thousand dollars.

When policies may be issued.

SECTION 4. Said company shall, except as otherwise provided herein, be organized under and subject to the provisions of the general law concerning mutual fire insurance companies; and shall have and may exercise all the powers, rights and privileges, and shall be subject to

Certain provisions of law to apply.

all the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to mutual fire insurance companies, and companies transacting the business of liability insurance.

Corporations
employing
labor may
effect insur-
ance in com-
pany, etc.

SECTION 5. Corporations employing labor may effect insurance in said company and assume the liabilities incident thereto.

SECTION 6. This act shall take effect upon its passage.

Approved March 30, 1905.

Chap. 235 AN ACT TO PROVIDE FOR THE ASSISTANCE OF WOMEN CHARGED WITH CRIME WHOSE CASES ARE DISPOSED OF WITHOUT SENTENCE.

Be it enacted, etc., as follows:

R. L. 225, § 137,
amended.

Section one hundred and thirty-seven of chapter two hundred and twenty-five of the Revised Laws is hereby amended by inserting after the word "Prisoners", in the tenth line, the words:—or to any charitable institution of a similar nature,—so as to read as follows:—*Section 137.* The commissioners may also employ, at an annual salary of one thousand dollars, payable by the Commonwealth, a woman as their agent in rendering assistance to female prisoners discharged from the prisons in this Commonwealth. She shall counsel and advise them, assist them in obtaining employment and, under the direction of the commissioners, may render them pecuniary aid. The commissioners may expend not more than three thousand dollars annually for the assistance of discharged female prisoners and may pay therefrom to the Temporary Asylum for Discharged Female Prisoners, or to any charitable institution of a similar nature, such amount as they shall determine for the support of women charged with crime whose cases are disposed of without sentence.

Agent for
aiding dis-
charged
female prison-
ers, employ-
ment, etc.

Approved March 30, 1905.

Chap. 236 AN ACT TO REGULATE THE PENALTY FOR ADULTERATION OF ARTICLES OF FOOD AND FOR THE FALSE STAMPING OR LABELING OF RECEPTACLES CONTAINING SUCH ARTICLES.

Be it enacted, etc., as follows:

R. L. 75, § 24,
amended.

SECTION 1. Section twenty-four of chapter seventy-five of the Revised Laws is hereby amended by striking

out the words "one hundred nor more than five hundred dollars", in the fifth and sixth lines, and inserting in place thereof the words: — twenty-five nor more than one hundred dollars, — so as to read as follows: — *Section 24.* Whoever falsely stamps or labels any cans, jars or other packages containing fruit or food of any kind, or knowingly permits such stamping or labelling, or, except as hereinafter provided, violates any of the provisions of sections sixteen to twenty-seven, inclusive, shall be punished by a fine of not less than twenty-five nor more than one hundred dollars; and whoever sells such goods so falsely stamped or labelled shall be punished by a fine of not less than ten nor more than one hundred dollars.

Penalty for falsely stamping, etc., cans, etc., containing fruit or food, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1905.

AN ACT TO AUTHORIZE THE TOWN OF EASTHAMPTON TO RE-NEW CERTAIN NOTES OR TO GIVE NEW NOTES THEREFOR.

Chap. 237

Be it enacted, etc., as follows:

SECTION 1. The town of Easthampton is hereby authorized to renew or extend, for a period not exceeding one year, two notes given by the town and falling due on the seventh day of September in the year nineteen hundred and five, one being for one thousand dollars and the other for twenty-two hundred dollars, or to execute and sell new notes for the same amounts and payable in periods not exceeding one year.

The town of Easthampton may renew certain notes, etc.

SECTION 2. The said town is also authorized to renew or extend two notes given by the town, one being for sixty-three hundred dollars and falling due on the seventh day of September in the year nineteen hundred and five, and the other being for twenty-five hundred dollars and falling due on the first day of November in the year nineteen hundred and five, or to give new notes in place thereof. The said renewed or extended notes or new notes shall be for such amounts and in such form that one half of the total amount of the said two notes shall be paid in the year nineteen hundred and eight and the other half in the year nineteen hundred and ten.

Same subject.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1905.

Chap.238 AN ACT MORE EFFECTUALLY TO PREVENT THE EXISTENCE OF
SWEAT SHOPS.

Be it enacted, etc., as follows:

R. L. 106, § 56,
amended.

Regulations
for places for
making
garments, etc.

Section fifty-six of chapter one hundred and six of the Revised Laws is hereby amended by adding at the end of said section the words: — Every person, firm or corporation hiring, employing or contracting with a member of a family holding a license under this section for the making, altering, repairing or finishing of garments or wearing apparel to be done outside the premises of such person, firm or corporation, shall keep a register of the names and addresses plainly written in English of the persons so hired, employed or contracted with, and shall forward a copy of such register once a month to the chief of the district police.

Approved March 30, 1905.

Chap.239 AN ACT TO AUTHORIZE THE TOWN OF MARBLEHEAD TO LAY
OUT CLIFF STREET OVER AND ACROSS THE TIDE WATERS OF
MARBLEHEAD HARBOR.

Be it enacted, etc., as follows:

The town of
Marblehead
may lay out
Cliff street
across certain
tide waters.

SECTION 1. Subject to the provisions of chapter ninety-six of the Revised Laws the selectmen of the town of Marblehead are hereby authorized to lay out Cliff street over and across the tide waters of Marblehead harbor in said town, according to a plan drawn by Guy W. Ricker, civil engineer, and filed with the clerk of said town on the twenty-fifth day of January in the year nineteen hundred and four.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1905.

Chap.240 AN ACT RELATIVE TO THE REMOVAL OF PRISONERS TO THE
TEMPORARY INDUSTRIAL CAMP FOR PRISONERS.

Be it enacted, etc., as follows:

R. L. 225, § 96,
amended.

Removal of
prisoners to
temporary

SECTION 1. Section ninety-six of chapter two hundred and twenty-five of the Revised Laws is hereby amended by inserting after the word "from", in the first line, the words: — the Massachusetts reformatory, the state farm, and the, — so as to read as follows: — *Section 96.* They may remove prisoners from the Massachusetts reforma-

tory, the state farm, and the jails and houses of correction to the temporary industrial camp for prisoners and may, at any time, return them to the place of imprisonment from which they were removed.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1905.

AN ACT TO PROVIDE A PENALTY FOR THE INJURY OF PROPERTY AT PRISONS. Chap. 241

Be it enacted, etc., as follows:

Chapter two hundred and eight of the Revised Laws is hereby amended by striking out section one hundred and twenty and inserting in place thereof the following: — *Section 120.* If a prisoner at the Massachusetts reformatory, the reformatory prison for women, the state farm, the temporary industrial camp for prisoners, or any jail or house of correction, wilfully and maliciously injures or destroys any public property or any materials furnished for the employment of prisoners in any of said institutions, he may be punished by imprisonment for not less than six months nor more than three years.

Industrial camp.

R. L. 208, § 120, amended.

Penalty for injury of property at prisons.

Approved March 30, 1905.

AN ACT RELATIVE TO THE APPOINTMENT OF ATTORNEYS BY FOREIGN CORPORATIONS. Chap. 242

Be it enacted, etc., as follows:

SECTION 1. Section fifty-eight of chapter four hundred and thirty-seven of the acts of the year nineteen hundred and three is hereby amended by striking out the words "upon payment of the fee hereinafter provided", in the eighteenth and nineteenth lines, so as to read as follows: — *Section 58.* Every such foreign corporation which has a usual place of business in this Commonwealth, or which is engaged in this Commonwealth, permanently or temporarily, and with or without a usual place of business therein, in the construction, erection, alteration or repair of a building, bridge, railroad, railway or structure of any kind, shall, before doing business in this Commonwealth, in writing appoint the commissioner of corporations and his successor in office to be its true and lawful attorney upon whom all lawful processes in any action or proceeding against it may be served, and

1903, 437, § 58, amended.

Commissioner of corporations to be appointed attorney by certain foreign corporations.

in such writing shall agree that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served on it, and that the authority shall continue in force so long as any liability remains outstanding against it in this Commonwealth. The power of attorney and a copy of the vote authorizing its execution, duly certified and authenticated, shall be filed in the office of the commissioner, and copies certified by him shall be sufficient evidence thereof. Service of such process shall be made by leaving a copy of the process and a fee of two dollars in the hands or in the office of the commissioner, and such service shall be sufficient service upon the corporation.

Service of
process.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1905.

Chap. 243 AN ACT RELATIVE TO REMOVALS AND SUSPENSIONS FROM OFFICE AND EMPLOYMENT IN THE CLASSIFIED CIVIL SERVICE.

Be it enacted, etc., as follows:

1904, 314, § 2,
amended.

SECTION 1. Section two of chapter three hundred and fourteen of the acts of the year nineteen hundred and four is hereby amended by adding at the end thereof the words: — *provided, however*, that nothing contained in this act shall be construed to prevent temporary suspension for a period not exceeding thirty days, made without compliance with the provisions of this act and pending further action under this act, — so as to read as follows: — *Section 2.* The person sought to be removed, suspended, lowered or transferred shall be notified of the proposed action and shall be furnished with a copy of the reasons required to be given by section one, and shall, if he so requests in writing, be given a public hearing, and be allowed to answer the charges preferred against him either personally or by counsel. A copy of such reasons, notice and answer and of the order of removal, suspension or transfer shall be made a matter of public record: *provided, however*, that nothing contained in this act shall be construed to prevent temporary suspension for a period not exceeding thirty days, made without compliance with the provisions of this act and pending further action under this act.

Notice to be
given to per-
son sought to
be removed,
etc.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1905.

AN ACT RELATIVE TO THE EMPLOYMENT OF PRISONERS.

Chap. 244

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and twenty-five of the Revised Laws is hereby amended by striking out section twenty-nine and inserting in place thereof the following: — *Section 29.* Prisoners in the state prison, the Massachusetts reformatory, the reformatory prison for women, the state farm, the temporary industrial camp for prisoners, or in any jail or house of correction, may be employed in the custody of an officer in caring for public lands and buildings, but no prisoner shall be employed outside the precincts of the place of his imprisonment in doing work of any kind for private persons.

R. L. 225, § 29, amended.

Prisoners not to do outside work for private persons, etc.

SECTION 2. This act shall take effect upon its passage.

Approved March 30, 1905.

AN ACT RELATIVE TO THE PROTECTION OF DEER FROM DOGS.

Chap. 245

Be it enacted, etc., as follows:

Chapter ninety-two of the Revised Laws, as amended by section one of chapter one hundred and fifty-four of the acts of the year nineteen hundred and two, is hereby further amended by striking out section eighteen and inserting in place thereof the following: — *Section 18.* The owner or keeper of a dog found chasing or hunting deer at any time may be punished by a fine of not more than twenty dollars. Any of the commissioners on fisheries and game, or their deputies, or any member of the district police, or any officer qualified to serve criminal process, may kill a dog found chasing or hunting deer at any time if the dog is used for such purpose with the knowledge and consent of such owner or keeper, and the owner or keeper of such dog shall be punished by a fine of fifty dollars. If a dog has twice been found chasing or hunting deer, and if the owner or keeper of the dog has so been notified on each occasion by the commissioners on fisheries and game, it shall be a presumption of law, if the same dog is thereafter found chasing or hunting deer, that such chasing or hunting was with the knowledge and consent of the said owner or keeper, unless the contrary is shown by evidence.

R. L. 92, § 18, etc., amended.

Hunting, etc., of deer by dogs prohibited.

Approved March 30, 1905.

*Chap.*246 AN ACT TO INCORPORATE THE MASSACHUSETTS POLICE MUTUAL AID ASSOCIATION.

Be it enacted, etc., as follows:

The Massachusetts Police Mutual Aid Association incorporated.

SECTION 1. Daniel P. Sweeney, James M. Keaney, Patrick Herbert, Patrick H. Doherty, Charles M. Wright, James Cash, Christopher H. Chase, John J. Sullivan and Edward F. Flanagan, their associates and successors, are hereby made a corporation under the name of The Massachusetts Police Mutual Aid Association, for the purpose of promoting friendly intercourse and relations among its members, and of assisting members thereof when sick or disabled, or out of employment, and for the purpose of assisting the families of deceased members. Said corporation shall have all the powers and privileges and be subject to all the duties and liabilities set forth in all general laws now or hereafter in force relating to such corporations: *provided*, that it shall not be subject to the provisions of chapters one hundred and eighteen, one hundred and nineteen and one hundred and twenty of the Revised Laws, and shall not be summoned as trustee in any action or process against any person or persons who may hereafter be entitled to assistance from said corporation under the by-laws thereof, or under the provisions of this act.

Proviso.

Membership.

SECTION 2. Persons who are members of the police department of some city or town in the Commonwealth, excluding the city of Boston, and such persons only, shall be eligible to membership in the corporation hereby created.

Grants, bequests, etc.

SECTION 3. Said corporation, for the purposes aforesaid, shall have power to receive and hold grants, gifts, devises and bequests, and shall administer the same in accordance with the terms thereof, and may hold real and personal estate to an amount not exceeding fifty thousand dollars.

SECTION 4. This act shall take effect upon its passage.

Approved March 30, 1905.

AN ACT TO ESTABLISH THE SALARIES OF THE FIRE INSPECTORS *Chap.247*
OF THE DISTRICT POLICE.

Be it enacted, etc., as follows:

SECTION 1. The salaries of the fire inspectors of the detective department of the district police shall be fifteen hundred dollars a year, to be so allowed from the first day of January in the year nineteen hundred and five. Salaries of fire inspectors of district police established.

SECTION 2. So much of section one of chapter four hundred and thirty-three of the acts of the year nineteen hundred and four as is inconsistent herewith is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1905.

AN ACT TO INCORPORATE THE AMESBURY PARK ASSOCIATION. *Chap.248*

Be it enacted, etc., as follows:

SECTION 1. Horace G. Leslie, John A. Douglass, William W. Hawkes, Augustus N. Parry, Warren E. Fuller, Lambert Hollander, James N. Leitch, Richard E. Briggs, John Currier, Harlan A. Sawyer, George E. Hodge and James Hume, their associates and successors, are hereby made a corporation by the name of The Amesbury Park Association, for the purpose of procuring and maintaining a suitable park and recreation ground within the limits of the town of Amesbury, for the free use of the inhabitants thereof; and said corporation may adopt such by-laws and elect such officers as may be necessary; but no such by-law shall be valid until it has been approved by the commissioner of corporations; and the officers shall serve without compensation. The Amesbury Park Association incorporated, etc.

SECTION 2. Said corporation may acquire and hold real estate and other property in said town for the purposes specified in section one of this act, to an amount not exceeding twenty-five thousand dollars, and may provide for capital stock to that amount in shares the par value of which shall be one dollar. The real estate and personal property of the corporation shall be exempt from taxation so long as they are used for the purposes specified in section one of this act. May hold property, etc.

SECTION 3. Said corporation is hereby authorized to take and hold any gift, devise or bequest of property for Gifts, bequests, etc.

the purpose of acquiring or maintaining a park, and may use the principal or income of such gift, devise or bequest in accordance with the terms thereof, and for the purposes for which said corporation is formed.

Property to be conveyed to town under certain conditions.

SECTION 4. Said corporation shall, upon the adoption by the town of Amesbury of the general laws of this Commonwealth relating to public parks, convey the real estate and personal property so held by it to the said town without the payment of any consideration by the town.

SECTION 5. This act shall take effect upon its passage.

Approved March 30, 1905.

Chap. 249 AN ACT RELATIVE TO THE REGISTRATION OF CERTAIN EASEMENTS BY THE LAND COURT.

Be it enacted, etc., as follows:

R. L. 128, § 1, etc., amended.

SECTION 1. Section one of chapter one hundred and twenty-eight of the Revised Laws, as amended by section ten of chapter four hundred and forty-eight of the acts of the year nineteen hundred and four, is hereby further amended by inserting after the word "land", in the third line, the words:—and easements or rights in land held and possessed in fee simple,—so that the first sentence of said section will read as follows:—*Section 1.* The land court shall be a court of record and shall have exclusive original jurisdiction of all applications for the registration of title to land and easements or rights in land held and possessed in fee simple within the Commonwealth, with power to hear and determine all questions arising upon such applications, and of such other questions as may come before it under the provisions of this chapter, subject to the right of appeal, as hereinafter provided.

Land court to be a court of record, etc.

R. L. 128, § 18, amended.

SECTION 2. Section eighteen of chapter one hundred and twenty-eight of the Revised Laws is hereby amended by inserting after the word "estate", in the fourth line, the words:—or easements or rights in land held and possessed,—also by inserting after the word "estate", in the sixth line, the words:—or easements or rights in land held and possessed,—so that the first three paragraphs of said section will read as follows:—*Section 18.* Application for registration of title may be made by the following persons:—

Application for registration.

First, The person or persons who claim, singly or collectively, to own the legal estate or easements or rights in land held and possessed in fee simple.

Second, The person or persons who claim, singly or collectively, to have the power of appointing or disposing of the legal estate or easements or rights in land held and possessed in fee simple.

SECTION 3. The basis for determining the fees payable in the registration of such easements or rights shall, instead of the assessed valuation, be the value of the same as found by the land court, and instead of the fee for examination of title chargeable under the provisions of section one hundred and nine of chapter one hundred and twenty-eight of the Revised Laws such fee shall be the actual amount allowed by the court to the examiner therefor.

Fees.

SECTION 4. The provisions of chapter one hundred and eighty-two of the Revised Laws, as amended by chapter four hundred and forty-eight of the acts of the year nineteen hundred and four, shall apply to easements or rights in land held and possessed in fee simple.

Certain provisions of law to apply to easements or rights in land.

SECTION 5. The provisions of said chapter one hundred and twenty-eight of the Revised Laws relative to the registration and conveyance of registered land shall apply to registration and conveyance of such easements or rights.

Certain provisions of law to apply to registration and conveyance.

SECTION 6. This act shall take effect upon its passage.

Approved March 31, 1905.

AN ACT RELATIVE TO INVESTMENTS BY SAVINGS BANKS.

Chap. 250

Be it enacted, etc., as follows:

SECTION 1. Section twenty-six, clause *m*, of chapter one hundred and thirteen of the Revised Laws is hereby amended by striking out the word “and”, in the one hundred and thirty-second line, and by inserting after the word “Company”, in the one hundred and thirty-third line, the words:—of the Boston and Albany Railroad Company, of the Norwich and Worcester Railroad Company and of the Providence and Worcester Railroad Company, — so that the clause will read as follows:—*m*. In the note or notes of a citizen of this Commonwealth with a pledge as collateral of shares of the capital stock of the Boston and Lowell Railroad Corporation, of the Boston

R. L. 113, § 26, clause *m*, amended.

Investments by savings banks.

Investments by savings banks. and Providence Railroad Company, of the Connecticut River Railroad Company, of the Old Colony Railroad Company, of the Boston and Albany Railroad Company, of the Norwich and Worcester Railroad Company and of the Providence and Worcester Railroad Company, notwithstanding the road of each of said companies may be leased to another railroad company; but such note or notes shall not in any case exceed seventy-five per cent of the market value of the securities pledged and shall be payable on demand and be paid or renewed within one year from the date thereof.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1905.

Chap. 251 AN ACT RELATIVE TO CERTAIN DISEASES OF THE EYES OF INFANTS.

Be it enacted, etc., as follows:

R. L. 75, § 49,
amended.

SECTION 1. Section forty-nine of chapter seventy-five of the Revised Laws is hereby amended by inserting after the word "contagion", in the ninth line, the words:— Should one or both eyes of an infant become inflamed, swollen and red, and show an unnatural discharge at any time within two weeks after its birth, it shall be the duty of the nurse, relative or other attendant having charge of such infant to report in writing within six hours thereafter, to the board of health of the city or town in which the parents of the infant reside, the fact that such inflammation, swelling and redness of the eyes and unnatural discharge exist. On receipt of such report, or of notice of the same symptoms given by a physician as provided by the following section, the board of health shall take such immediate action as it may deem necessary in order that blindness may be prevented, — so as to read as follows:—

Householder
to give notice
of dangerous
diseases.

Section 49. A householder who knows that a person in his family or house is sick of smallpox, diphtheria, scarlet fever or any other infectious or contagious disease dangerous to the public health shall forthwith give notice thereof to the board of health of the city or town in which he dwells. Upon the death, recovery or removal of such person, the householder shall disinfect to the satisfaction of the board such rooms of his house and articles therein as, in the opinion of the board, have been exposed to infection or contagion. Should one or both eyes of an

infant become inflamed, swollen and red, and show an unnatural discharge at any time within two weeks after its birth, it shall be the duty of the nurse, relative or other attendant having charge of such infant to report in writing within six hours thereafter, to the board of health of the city or town in which the parents of the infant reside, the fact that such inflammation, swelling and redness of the eyes and unnatural discharge exist. On receipt of such report, or of notice of the same symptoms given by a physician as provided by the following section, the board of health shall take such immediate action as it may deem necessary in order that blindness may be prevented. Whoever violates the provisions of this section shall be punished by a fine of not more than one hundred dollars.

Diseases of the eyes of infants to be reported, etc.

Penalty.

SECTION 2. Section fifty of chapter seventy-five of the Revised Laws is hereby amended by inserting after the word "health", in the third line, the words:— or if one or both eyes of an infant whom or whose mother he is called to visit become inflamed, swollen and red, and show an unnatural discharge within two weeks after the birth of such infant, — so as to read as follows:— *Section 50.* If a physician knows that a person whom he is called to visit is infected with smallpox, diphtheria, scarlet fever or any other disease dangerous to the public health, or if one or both eyes of an infant whom or whose mother he is called to visit become inflamed, swollen and red, and show an unnatural discharge within two weeks after the birth of such infant, he shall immediately give notice thereof in writing over his own signature to the selectmen or board of health of the town; and if he refuses or neglects to give such notice, he shall forfeit not less than fifty nor more than two hundred dollars for each offence.

R. L. 75, § 50, amended.

Physicians to give notice of dangerous diseases, etc.

Penalty.

Approved March 31, 1905.

AN ACT TO AUTHORIZE THE SALE OF THE NEW ENGLAND RAILROAD TO THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY.

Chap. 252

Be it enacted, etc., as follows:

SECTION 1. The New England Railroad Company may sell its franchise and property to the New York, New Haven and Hartford Railroad Company, and that company may purchase said franchise and property upon

The New England Railroad Company may sell its franchise, etc., to the New York, New

Haven and
Hartford Rail-
road Company,
etc.

Dissenting
stockholders
to file a
declaration,
etc.

Proviso.

Value of shares
of dissenting
stockholders,
how deter-
mined, etc.

such terms and conditions as may be agreed to by the directors of said corporations, respectively, and approved by the board of railroad commissioners and by the vote of two thirds in interest of the shareholders of said corporations; and upon such purchase the purchaser shall become subject to and held to pay all the debts and to perform all the duties and obligations of the seller.

SECTION 2. Every stockholder of the selling corporation shall be deemed to assent to the purchase authorized by this act, unless, within sixty days from the date of the meeting of the selling corporation at which said sale shall be approved, he shall file with the clerk of the seller a writing declaring his dissent therefrom and stating the number of shares held by him and the number or numbers of the certificate or certificates evidencing the same: *provided, however*, that, as against any stockholder legally incapacitated from acting for himself and having no legal guardian, said period of sixty days shall not begin to run until the removal of such incapacity by the appointment of a legal guardian or otherwise. The shares of any stockholder dissenting as above specified shall be acquired by the seller and shall be valued, and the value thereof be paid or tendered or deposited to or for account of such stockholder in the manner following: — Within sixty days from the filing of any stockholder's dissent, as above provided, the seller shall file its petition with the supreme judicial court sitting within and for the county of Suffolk, setting forth the material facts and praying that the value of such dissenting stockholder's shares may be determined. Thereupon, after such notice to all parties concerned as it may deem proper, said court shall pass an order requiring such dissenting stockholder's certificate of stock to be deposited with the clerk of said court, and shall appoint three commissioners to ascertain and report the value of such dissenting stockholder's shares. Such report shall be made to the court as soon as practicable, and, after due notice to the parties in interest, shall be accepted by the court, unless before such acceptance either of the parties to said proceeding shall claim a trial by jury, in which case the court shall order the value of said shares to be tried and determined by a jury in the same manner as other civil cases are tried in said court. The said commissioners' report, or such verdict when accepted by the court, shall be final and conclusive as to the value of such

dissenting stockholder's shares, and the amount so ascertained as such value shall at once be paid or tendered to such stockholder; or, if such payment or tender be impracticable, the money shall be paid into court. Upon such payment or tender or deposit the shares of such dissenting stockholder and the certificate or certificates thereof shall become the property of the seller, whose right and title thereto may be enforced by the court by any appropriate order or process. Exceptions may be taken to any ruling or order of said court, to be heard and determined by the full court as in other civil cases. Said court may make all such orders for the enforcement of the rights of any party to the proceedings, for the consolidation of two or more petitions and their reference to the same commissioners, for the consolidation of claims for a trial by jury and the trial of two or more cases by the same jury, for the deposit of money in court, and for the payment of interest upon the value of the stockholder's shares, as determined, and the payment of costs by one party to the other, as justice and the speedy settlement of the matters in controversy may require.

Exceptions,
orders of
court, etc.

SECTION 3. This act shall take effect upon its passage.

Approved March 31, 1905.

AN ACT TO PROVIDE FOR THE COMPLETION OF THE SEA WALL
AT STONY BEACH IN THE TOWN OF HULL. *Chap. 253*

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby authorized to expend the sum of fifteen hundred dollars, in addition to the sum already appropriated, for the proper completion of the sea wall at Stony beach in the town of Hull, under the provisions of chapter four hundred and eighty-three of the acts of the year nineteen hundred and one.

Sea wall at
Stony beach,
Hull, to be
completed.

SECTION 2. This act shall take effect upon its passage.

Approved March 31, 1905.

Chap. 254 AN ACT TO DIRECT THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO CONSTRUCT A NEW DRAWBRIDGE OVER THE CANAL ON WESTERN AVENUE IN THE CITY OF GLOUCESTER.

Be it enacted, etc., as follows:

New draw-
bridge to be
constructed
over the canal
in Gloucester.

SECTION 1. Subject to the provisions of chapter ninety-six of the Revised Laws and of all amendments thereof, and of all other general laws which may be applicable, the county commissioners of the county of Essex are hereby authorized and directed to construct a new bridge, with suitable approaches, over the tide water known as the "Canal" in the city of Gloucester, at or near the present location of the "Cut" bridge, so-called, on Western avenue. Said bridge shall be constructed with a draw having a passageway for vessels not less than forty feet wide, and shall be of such width, grade, material and construction as said county commissioners, with the approval of the board of harbor and land commissioners, shall deem reasonably necessary and proper.

Payment of
expense.

SECTION 2. The expense incurred under this act shall not exceed the sum of fifty-five thousand dollars, and shall be paid in the first instance from the treasury of the county of Essex. The Boston and Northern Street Railway Company shall pay into the treasury of said county as their proportion of the expense of said bridge and the approaches thereto a sum equal to ten per cent of said expense, but not to exceed the sum of fifty-five hundred dollars, and, provided that said Boston and Northern Street Railway Company shall pay into the treasury of said county the said amount and shall enter into an agreement with the county commissioners of said county to keep that part of the roadway upon said bridge between the tracks of the company and eighteen inches outside thereof in repair and safe for public travel, subject to such conditions as said commissioners shall impose, said company shall thereupon have and is hereby granted a location upon said bridge for the construction and maintenance of its tracks, poles and wires, and for the operation of its railway thereon, and the location herein granted shall not be revoked except by the county commissioners of the county of Essex, after public notice and a hearing, and no such revocation shall be valid until approved by

Location
granted to
Boston and
Northern
Street Railway
Company, etc.

the board of railroad commissioners. The amount of any assessment paid by said company under this section shall be deemed, in all proceedings thereafter, as a part of the value of its property for street railway purposes; and the company may issue stock or bonds to meet the expenses incurred under this act to an amount approved by the board of railroad commissioners as reasonably necessary to provide for the payment thereof. The county commissioners of said county are hereby authorized and directed to borrow on the credit of the county such sums of money as may from time to time be required for such cost and expenses. All moneys so borrowed shall be deposited in the county treasury, and the treasurer of the county shall pay out the same as ordered by said county commissioners, and shall keep a separate and accurate account of all sums borrowed and expended, including interest.

County commissioners to borrow on credit of county, etc.

SECTION 3. Upon the completion of said bridge and approaches said county commissioners shall file in the office of the clerk of courts for said county of Essex a detailed statement, certified under their hands, of the actual cost of said bridge and approaches, and, within three months from the filing of such statement, they shall, after such notice as they may deem proper, and a hearing, apportion and assess upon the city of Gloucester, and upon such towns as in their judgment derive a special benefit by said bridge, such part, not exceeding thirty per cent of the expense of constructing the bridge and approaches, as they may deem just and reasonable, and in such proportion as they may determine. Said commissioners shall file in the office of the clerk of courts of said county a report of such apportionment, and said clerk shall transmit a true and attested copy thereof to the mayor of the city of Gloucester and the selectmen of the towns mentioned therein; and said city and each of said towns shall pay its proportion of said expense, determined by said commissioners as aforesaid, into the treasury of the county of Essex, in such manner and within such time as the commissioners of said county may direct; and if the city of Gloucester or any town shall neglect or refuse to pay its proportion required as aforesaid the said commissioners shall, after notice to said city or any town, issue a warrant against said city or town for its proportion, determined as aforesaid, with interest and the costs of the notice and warrant, and the same shall be collected and

Apportionment of expense, etc.

Canal Bridge
Loan, Act of
1905.

Not to be
reckoned
in determining
debt limit, etc.

Payment of
cost of main-
tenance, etc.

Contract for
construction to
be awarded to
lowest bidder,
etc.

paid into the treasury of said county, to be applied in payment of the expense aforesaid. For the foregoing purposes the city of Gloucester is hereby authorized to issue from time to time bonds, to be denominated, Canal Bridge Loan, Act of 1905, bearing interest payable semi-annually at a rate not exceeding four per cent per annum, and payable within such periods not exceeding fifteen years from their dates of issue as the city council shall from time to time determine. Except as otherwise provided herein such bonds shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto, but they shall not be reckoned in determining the legal limit of indebtedness of the said city.

SECTION 4. The cost of the maintenance and operation of said bridge and approaches, after the completion of the same, except as hereinbefore provided, shall be borne and paid by said county, or by the city of Gloucester and such towns therein, as the county commissioners of said county may determine, after notice and hearing as herein provided.

SECTION 5. The contract for the construction of said bridge shall be awarded to the lowest bidder, who shall furnish a bond in a penal sum not less than forty per cent of the amount of his bid, for the faithful completion of his contract at the amount of his bid. Said board of county commissioners shall publicly advertise for sealed bids, and they shall furnish to all parties making application therefor complete plans and specifications, without discrimination, and all bids shall be publicly opened after due notice to all parties in interest, and public advertisement thereof.

SECTION 6. This act shall take effect upon its passage.

Approved April 4, 1905.

Chap. 255

AN ACT TO INCORPORATE THE TOWN OF PLAINVILLE.

Be it enacted, etc., as follows:

Town of
Plainville
incorporated.

SECTION 1. All the territory now within the town of Wrentham which lies south of the following described line, to wit:— A straight line drawn from a stone monument in the boundary line between the town of Wrentham and the town of Cumberland in the state of Rhode Island, which monument is at the intersection of the lines forming

the northeast corner of the state of Rhode Island to a point where the southerly line of Thurston street in the town of Wrentham intersects the boundary line between the town of Wrentham and the town of Foxborough, is hereby incorporated as a separate town by the name of Plainville, and the said town of Plainville is hereby vested with all the powers, privileges, rights and immunities, and shall be subject to all the duties and obligations conferred or imposed on towns by the constitution and laws of the Commonwealth.

SECTION 2. The inhabitants of and the estates within the town of Plainville and the owners of all such estates, shall be holden to pay all arrears of taxes which have legally been assessed upon them by the town of Wrentham, and all the taxes heretofore assessed and not collected shall be collected and paid to the treasurer of the town of Wrentham, and all moneys now in the treasury of the town of Wrentham, or that may hereafter be received from taxes now assessed, shall be applied to the purposes for which they were raised and assessed, in the same manner as if this act had not been passed; and until the next state valuation the town of Plainville shall annually, in the month of November, pay to the town of Wrentham its proportion of such state and county taxes as may be assessed upon the town of Wrentham, said proportion to be ascertained and determined by the last valuation of the town of Wrentham; and the assessors of the town of Wrentham shall make return of said valuation and the proportions thereof in the towns of Wrentham and Plainville, respectively, to the secretary of the Commonwealth and to the county commissioners of the county of Norfolk.

Payment of
taxes, etc.

SECTION 3. The towns of Wrentham and Plainville shall be liable, respectively, for the support of all persons now or hereafter standing in need of relief as paupers, whose settlement was gained, either by original acquisition or by derivation, within their respective limits, and the town of Plainville shall pay annually to the town of Wrentham such proportion of all costs for the support or relief of those persons who now do or shall hereafter stand in need of relief or support as paupers, whose settlement, by original acquisition or by derivation, was gained by reason of military service as a part of the quota of the town of Wrentham, or who cannot be located on the site whence their settlement was derived or whereon it was

Relief and
support of
paupers.

acquired, as the valuation of the town of Plainville shall bear to that of the town of Wrentham according to the last state valuation made prior to the giving of such relief or support.

Suits and proceedings at law, etc.

SECTION 4. All suits and proceedings at law or in equity, where the cause of action in favor of or against the town of Wrentham arose before the passage of this act, shall be instituted and prosecuted or defended by the town of Wrentham with the same effect as if this act had not been passed, and the amount recovered in any such suit or proceeding by or against the town of Wrentham shall be received or paid, as the case may be, by the town of Wrentham, and, including costs, expenses and counsel fees, shall be divided between the towns of Wrentham and Plainville in proportion to the last valuation made prior to the passage of this act.

Division of corporate property, etc.

SECTION 5. The corporate property of the town of Wrentham, both real and personal, in existence at the time of the passage of this act, and the town debts then existing, shall be divided between the towns of Wrentham and Plainville, according to the valuation of the property within their respective limits as assessed the first day of May in the year nineteen hundred and four. The towns shall severally retain and hold all the real and personal property now within their respective limits, at a valuation to be agreed upon by a committee consisting of six legal voters, three to be chosen by each town at a legal meeting to be called for the purpose; and the differences in valuation shall be equalized and balances adjusted by apportionment of the town debt. In case of a failure to agree upon a valuation and division of the assets and liabilities the same shall be determined by a board of three commissioners, none of whom shall be a resident of either of said towns, to be appointed by the superior court for the county of Norfolk, in term time or vacation, upon the petition of either town after notice to the other, whose award when accepted by the court shall be final, and the said court may issue any writ or make any order thereon necessary to carry their award into effect. The award may be set aside for fraud or manifest error, but for no other cause, and the matters to be determined as aforesaid may be recommitted to the same or other commissioners to be appointed for the purpose, with like powers and duties as aforesaid.

SECTION 6. The public library building situated on the northeasterly side of East street, between the cemetery and the lot on which Trinity church stands, in Wrentham Centre, and the library fund held by the trustees of the public library, and the proceeds thereof, shall not be included in the division of property provided for in section five of this act, but said properties shall continue to be held by the town of Wrentham and the trustees, respectively, for the purposes and to the uses for which they were originally intended; and the provisions of this section shall not be taken by implication to include in section five any properties which otherwise would not so be included.

Public library building, etc., not to be included in division of property, etc.

SECTION 7. The town of Plainville, until it is otherwise provided by law, shall continue to be a part of the judicial district of the district court of western Norfolk, of the twelfth congressional district, of the second councillor district, of the second Norfolk senatorial district and of the tenth representative district of Norfolk county, and the inhabitants of said town shall vote for member of congress, councillor, senator and representatives in said districts, respectively, in the town of Plainville. The selectmen and clerk of the town of Plainville in each of said cases shall make returns as if said town had existed at the time of the formation of said district. The town of Plainville shall continue as a part of the union of the towns of Wrentham and Norton for the support of a superintendent of schools.

To continue in present judicial and electoral districts, etc.

Superintendent of schools.

SECTION 8. Any justice of the peace residing in the county of Norfolk may issue his warrant directed to any inhabitant of said town of Plainville, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such officers as towns are by law authorized or required to choose at their annual meeting; and said warrant shall be served by posting copies thereof, attested by the person to whom the same is directed, in three or more public places in the town of Plainville, seven days at least before the time of the meeting. The said justice, or in his absence the inhabitant required to notify the meeting, shall preside until the choice of a moderator of said meeting. The registrars of voters of the town of Wrentham shall before said meeting prepare a list of voters in the town of Plain-

First meeting for election of officers.

List of voters to be prepared, etc.

ville qualified to vote at the meeting, and shall deliver the same to the person presiding at the meeting before the choice of a moderator thereof.

Town officers
of Wrentham,
filling of
vacancies.

SECTION 9. The selectmen of the town of Wrentham shall within thirty days call a special town meeting for the purpose of choosing town officers to fill vacancies caused by the passage of this act.

Certain powers
and privileges
to be exercised
by town of
Plainville, etc.

SECTION 10. All rights heretofore secured to existing corporations upon the territory hereby incorporated shall continue as though this act had not been passed. The powers and privileges reserved to the town of Wrentham and the selectmen thereof in any orders or decrees heretofore made by the selectmen of Wrentham relative to the construction, maintenance and operation of a street railway by the Milford, Attleborough and Woonsocket Street Railway Company and the Interstate Consolidated Street Railway Company in said town shall hereafter, so far as relates to the construction, maintenance and operation of said street railways in the territory hereby incorporated as the town of Plainville, enure to and be exercised by the town of Plainville and the selectmen thereof, respectively, as fully as if said orders or decrees had originally been made by the selectmen of said Plainville.

Town of Plain-
ville to bear
expense of
surveys, etc.

SECTION 11. The town of Plainville shall bear the expense of making the necessary surveys and establishing the lines between it and the town of Wrentham.

Bounties and
state aid.

SECTION 12. The town of Plainville shall receive from the town of Wrentham a proportional part of whatever amount may hereafter be paid by the Commonwealth or by the United States to reimburse the town of Wrentham for bounties to soldiers or for state aid heretofore paid to soldiers' families after deducting all reasonable expenses.

SECTION 13. This act shall take effect upon its passage.

Approved April 4, 1905.

Chap. 256 AN ACT RELATIVE TO THE DISTRIBUTION OF THE ESTATE OF PERSONS DYING INTTESTATE.

Be it enacted, etc., as follows:

R. L. 140, § 3,
clause
"Third,"
amended.

Clause "Third" of section three of chapter one hundred and forty of the Revised Laws is hereby amended by adding after the word "death", in the nineteenth line, the words:—And such surviving husband or wife shall be permitted, subject to the approval of the court, to pur-

chase at any such sale, notwithstanding the fact that he or she is the administrator of the estate of such deceased person: *provided, however*, that instead of such sale or mortgage, whenever it shall appear, upon petition to the probate court of any party in interest, and after such notice as the court shall order, and after hearing thereon, that the whole amount of the estate of such deceased husband or wife, as found by the inventory and upon such other evidence as the court shall deem necessary, does not exceed the sum of five thousand dollars over and above the amount necessary to pay the debts and the charges of administration, the court may, by decree, itself assign and set out the real estate of said deceased to such surviving husband or wife to provide for said deficiency at a value to be fixed by said court, without other notice than is above provided, which decree shall be binding upon all parties. A further sale, mortgage or assignment of any other real estate of the deceased may later be made to provide for any deficiency still remaining, — so that the first paragraph of said clause “Third” will read as follows: — Third, If the deceased leaves no issue, the surviving husband or widow shall take five thousand dollars and one half of the remaining personal property and one half of the remaining real property. If the personal property is insufficient to pay said five thousand dollars, the deficiency shall, upon the petition of any party in interest, be paid from the sale or mortgage, in the manner provided for the payment of debts or legacies, of any interest of the deceased in real property which he could have conveyed at the time of his death. And such surviving husband or wife shall be permitted, subject to the approval of the court, to purchase at any such sale, notwithstanding the fact that he or she is the administrator of the estate of such deceased person: *provided, however*, that instead of such sale or mortgage, whenever it shall appear, upon petition to the probate court of any party in interest, and after such notice as the court shall order, and after hearing thereon, that the whole amount of the estate of such deceased husband or wife, as found by the inventory and upon such other evidence as the court shall deem necessary, does not exceed the sum of five thousand dollars over and above the amount necessary to pay the debts and the charges of administration, the court may, by decree, itself assign and set out the real estate of said deceased to

R. L. 140, § 3,
clause
“Third,”
amended.

Distribution
of estate of
persons dying
intestate.

Proviso.

such surviving husband or wife to provide for said deficiency at a value to be fixed by said court, without other notice than is above provided, which decree shall be binding upon all parties. A further sale, mortgage or assignment of any other real estate of the deceased may later be made to provide for any deficiency still remaining.

Approved April 5, 1905.

Chap. 257 AN ACT TO AUTHORIZE THE TOWN OF ATHOL TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

Town of
Athol may
hold, etc., cer-
tain waters,
take lands,
etc.

SECTION 1. The town of Athol, for the purpose of supplying itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, may hold and convey through said town by means of existing or other pipes or mains all or any part of the waters of Buckman brook and its tributaries in said town and of Phillipston reservoir, and all or any part of the waters tributary thereto and flowing therefrom, partly in said town and partly in Phillipston, and all or any part of other waters which became the property of said town by reason of its vote of December seventeen, nineteen hundred and four, to purchase all the property, rights and privileges of the Athol Water Company, and may also from time to time take, by purchase or otherwise, and hold in fee all lands, rights of way and easements necessary for holding, storing, purifying and preserving such water, for conveying the same to any part of said town, and for extending the present system of water supply; and may take, by purchase or otherwise, the whole or any part of the waters of any pond, brook, spring, well or stream within the limits of said town, and all waters connected therewith, and may obtain water by means of bored, driven, artesian or other wells on any land within the limits of said town: *provided*, that no source of water supply other than the waters of Buckman brook and the tributaries thereto and the Phillipston reservoir and the waters tributary thereto and the waters flowing therefrom shall be taken under this act for domestic purposes without the advice and consent of the state board of health, and that no lands, except those lands which became the property of said town by reason of its said vote of the seventeenth day of December in the year nineteen hun-

Proviso.

dred and four, shall be purchased or taken for the protection of the purity of said waters without the approval of the said board, after a hearing.

SECTION 2. The town may erect on any lands purchased, taken or held as aforesaid, proper dams, reservoirs, buildings, fixtures or other structures, may establish fountains and hydrants, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and for the purposes aforesaid may construct and lay conduits, pipes and other works, under, through or over any lands, water courses, railroads, railways, and public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes or other works, and for all other proper purposes of this act, said town may dig up any such lands, or dig under any such water courses, railroads or railways, and may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel; but said town shall not enter upon the location of any railroad corporation, or construct or lay any conduits, pipes or other works therein, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners. The title to all lands taken or purchased under the provisions of this act shall vest in said town, and the lands so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as it shall deem for the best interests of the town.

May erect structures, lay pipes, etc.

Title to lands to vest in town, etc.

SECTION 3. Said town shall, within ninety days after the taking of any lands, rights of way, water, water sources, water rights or easements as aforesaid, otherwise than by purchase or agreement, file and cause to be recorded in the registry of deeds for the Worcester district of the county of Worcester a description thereof sufficiently accurate for identification, with a statement, signed by the water commissioners hereinafter provided for, of the purpose for which the same were taken.

Description of lands, etc., to be recorded.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any lands, rights of way, water, water sources, water

Damages.

rights or easements, or by any other thing done by the town under authority of this act. Any person or corporation sustaining damages as aforesaid and failing to agree with said town as to the amount thereof, may have the same assessed and determined in the manner provided by law when land is taken for the laying out of highways, on making application at any time within the period of two years after the taking of such land or property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of said two years.

Town of
Athol Water
Loan.

SECTION 5. Said town, for the purpose of paying the purchase price of the property, rights and privileges of said Athol Water Company, together with all expenses incident to such purchase, may incur indebtedness outside of the debt limit fixed by law, and may issue therefor bonds, notes or scrip to an amount sufficient for such purposes; and for any necessary expenditures in connection with the improvement, development and extension of the works, for all damages and for necessary expenses and liabilities incurred under the provisions of this act, said town may issue bonds, notes or scrip to an amount not exceeding fifty thousand dollars beyond the amount necessary for the purchase of the property of the Athol Water Company, as above provided. Such bonds, notes or scrip shall bear on their face the words, Town of Athol Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, shall be payable as to both principal and interest in gold coin of the United States of the present standard of weight and fineness, and shall be signed by the treasurer and countersigned by a majority of the selectmen of the said town. Said town by its selectmen and treasurer may sell such securities for the purposes of this act, upon such terms and conditions as they shall deem proper: *provided*, that such securities shall not be sold for less than the par value thereof.

Proviso.

Payment of
loan.

SECTION 6. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not less than three years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed,

a sum which with the income derived from water rates will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act shall, without further vote, be assessed by the assessors of said town in each year thereafter, until the debt incurred by said loan is extinguished, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws.

SECTION 7. Whenever the town votes to issue bonds, notes or scrip in accordance with the provisions of this act, the officers authorized to negotiate the same may in the name of the town make a temporary loan for a period of not more than one year, in anticipation of the money to be derived from the sale of such bonds, notes or scrip; but the time within which such securities shall become due shall not, by reason of such temporary loan, be extended beyond the time fixed in the vote authorizing the issue of such bonds, notes or scrip.

Town may make a temporary loan.

SECTION 8. The occupant of any tenement shall be liable for the payment of rates for the use of water therein, and in case of non-payment by the occupant the owner shall also be liable for all sums so due, to be collected in an action of contract brought in the name of the town of Athol.

Liability for payment of water rates.

SECTION 9. Said town shall, after the passage of this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office from the time of such election, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise provided for shall be vested in said board of water commissioners, and a majority of them shall constitute a quorum for the transaction of business.

Water commissioners, election, terms, etc.

SECTION 10. Instead of electing water commissioners as provided for in the preceding section, the town at the meeting called for the purpose of electing said commissioners, or at an annual meeting, or at a meeting held

Town may vote that its board of sewer commissioners shall constitute its board of

water commissioners,
etc.

thirty days at least before an annual meeting, may by a majority vote of those present and voting constitute its board of sewer commissioners its board of water commissioners. The vote shall be by ballot in answer to the question, "Shall the board of sewer commissioners constitute the board of water commissioners?" If the said vote shall be taken at the special meeting called for the purpose of electing water commissioners, and shall be in the affirmative, no separate board of water commissioners shall be elected, and the board of sewer commissioners shall thereupon by said vote be constituted the town's board of water commissioners, with all the rights and powers conferred by and subject to all the provisions contained in this act and relating to such board. If the said vote be taken at any subsequent meeting, as above provided, the said sewer commissioners shall become water commissioners, with the rights and powers and subject to the provisions aforesaid, at the date of the annual meeting next succeeding. The town may at any annual meeting, or at a meeting held at least thirty days before the annual meeting at which such change is to become operative, revoke such vote and elect a board of water commissioners to hold office as provided for in this act, from the next succeeding annual town meeting.

Commissioners to fix rates
for the use of
water, etc.

SECTION 11. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on principal as they accrue upon any bonds, notes or scrip issued under the authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it shall be used for such new construction as the water commissioners may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the town appropriates and provides money therefor. Said commissioners shall annually, and as often as the town may require, render an account of their doings.

Commissioners to render
an account of
their doings.

Penalty for
corruption of
water, etc.

SECTION 12. If any person shall use any water belonging to the town without the consent of the town, or

shall wantonly or maliciously divert such water, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, hydrant, machinery or other works or property held, owned or used by the town under the authority of this act or of any existing statute, he shall forfeit and pay to the town three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of any of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment in jail for a term not exceeding one year.

SECTION 13. This act shall take effect upon its passage.

Approved April 5, 1905.

AN ACT TO PROHIBIT THE CONVEYING OF DRUGS AND OTHER ARTICLES TO PRISONERS. *Chap. 258*

Be it enacted, etc., as follows:

Whoever gives or delivers to a prisoner in the state farm, in the temporary industrial camp for prisoners, or in any jail or house of correction, any drug or article or thing whatever, or has in his possession within the precincts of any prison herein named with intent to give or to deliver to any prisoner any such drug or article or thing without the permission of the superintendent, master or keeper, as the case may be, shall be punished by a fine of not more than fifty dollars or by imprisonment in a jail or house of correction for not more than two months.

Penalty for giving articles to prisoners without permission.

Approved April 5, 1905.

AN ACT RELATIVE TO PETITIONS FOR DAMAGES FOR LAND OVERFLOWED OR INJURED BY WATER CONFINED BY DAMS. *Chap. 259*

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter one hundred and ninety-six of the Revised Laws is hereby amended by adding at the end of said section the words: — If the land overflowed or injured is outside the Commonwealth such petition shall be filed in the superior court for the county in which the dam or any part thereof is maintained, — so as to read as follows: — *Section 4.* The owner or occupant of land which has been overflowed or otherwise injured by such dam may obtain compensation therefor

R. L. 196, § 4, amended.

Petitions for damages for land overflowed or injured by

water confined
by dams.

if, within three years after such injury, he files a petition in the superior court for the county in which the land or any part thereof lies describing the land alleged to have been overflowed or injured and stating the damage sustained so that the record will show with sufficient certainty the matter heard and determined. If the land overflowed or injured is outside the Commonwealth such petition shall be filed in the superior court for the county in which the dam or any part thereof is maintained.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1905.

Chap. 260 AN ACT RELATIVE TO COUNTY ASSOCIATIONS OF TEACHERS.

Be it enacted, etc., as follows:

R. L. 40, § 4,
etc., amended.

SECTION 1. Section four of chapter forty of the Revised Laws, as amended by section one of chapter three hundred and eighty-three of the acts of the year nineteen hundred and four, is hereby further amended by striking out the word "governor", in the fourth line, and inserting in place thereof the words:—board of education, — so as to read as follows:—*Section 4.* If a county association of teachers and others holds an annual meeting of not less than one day for the express purpose of promoting the interests of public schools, it shall, upon filing with the board of education a certificate, under oath, of its president and secretary that a meeting has been so held, receive fifty dollars from the Commonwealth.

Payments to
county associa-
tions of
teachers.

Repeal.

SECTION 2. Section five of chapter forty of the Revised Laws is hereby repealed.

Approved April 5, 1905.

Chap. 261 AN ACT TO AUTHORIZE THE TOWN OF CHARLTON TO APPROPRIATE MONEY FOR AN OLD HOME WEEK OR DAY.

Be it enacted, etc., as follows:

Town of
Charlton may
appropriate
money for old
home week.

SECTION 1. The town of Charlton, at any legal town meeting, may appropriate money for the observance of an old home week or day, to take place during any week or upon any day of the year.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1905.

AN ACT TO AUTHORIZE THE NEW ENGLAND RAILROAD COMPANY TO EXTEND ITS ROAD FROM THE TOWN OF NEEDHAM TO THE WEST ROXBURY DISTRICT OF THE CITY OF BOSTON. *Chap. 262*

Be it enacted, etc., as follows:

SECTION 1. The New England Railroad Company, its successors or assigns, is hereby authorized to locate, construct and maintain an extension of its railroad from a point near its present station in the town of Needham to a point near the West Roxbury station on the railroad of the Boston and Providence Railroad Corporation in the city of Boston, extending over and taking for that purpose any lands heretofore appropriated to any other public use, and specifically any lands held by the city of Newton or the town of Brookline for the purposes of water supply so far as, in the judgment of the board of railroad commissioners, may be necessary and as will not, in the judgment of said board, substantially impair the water supply of said city or town, and upon such route and in such manner as the said board may, after a public hearing, fix and prescribe. In fixing the route of the railroad under this act the board of railroad commissioners shall treat the matter as a new question, and, within ninety days after the date of the passage of this act, fix the route where in its judgment, after a full hearing of all parties interested, all public and private interests require the route to be fixed, and shall prescribe such method of constructing the said railroad as will in its judgment in all respects best protect all interests involved.

The New England Railroad Company may extend its railroad, etc.

Route and construction.

SECTION 2. When the board of railroad commissioners permits said railroad to be opened for public use under the provisions of section one hundred and sixty-two of chapter one hundred and eleven of the Revised Laws, it shall make such regulations as to the operation of said railroad as it may deem reasonable to prevent contamination of the water supplies of Newton and Brookline, above mentioned, and may from time to time modify the requirements of said board in this respect, and said board shall confer with the state board of health as to all matters provided for in this section before a final decision thereupon.

Regulations to be made to prevent contamination of certain water supplies.

SECTION 3. The New England Railroad Company, its successors or assigns, shall pay all damages caused by

Damages.

Damages.

Proviso.

laying out, making and maintaining said railroad, or by taking land or materials therefor, which damages shall be secured and recovered in the manner provided by the general law for the recovery of damages caused by the laying out, making and maintaining of railroads: *provided, however*, that the city of Newton or the town of Brookline may, at any time within six years after the railroad is completed and open for public use, maintain a petition to recover damages caused either to said city or to said town, and that any petition which may be brought by the railroad company locating upon or over land held by said city or town for water supply to estimate the damages caused by laying out, making and maintaining said railroad shall, at the option of said city or town, be continued for trial until the expiration of said six years, so that the effect upon the water supply of said city or town may fully be ascertained before the trial of such petition.

SECTION 4. This act shall take effect upon its passage.

Approved April 5, 1905.

Chap. 263 AN ACT TO RELIEVE THE SUPREME JUDICIAL COURT OF ORIGINAL JURISDICTION IN CERTAIN ACTIONS OF CONTRACT AND REPLEVIN.

Be it enacted, etc., as follows:

R. L. 156, § 5,
amended.

SECTION 1. Section five of chapter one hundred and fifty-six of the Revised Laws is hereby amended by striking out the first two sentences of said section and the word "also", in the eleventh line of said section, — so as to read as follows: — *Section 5.* The court may on petition hear and determine all matters and questions arising under wills.

Jurisdiction
of supreme
judicial court.

Pending pro-
ceedings not
affected.

SECTION 2. This act shall not affect any pending proceeding.

SECTION 3. This act shall take effect upon its passage.

Approved April 5, 1905.

Chap. 264 AN ACT TO AUTHORIZE THE CITY OF EVERETT TO INCUR INDEBTEDNESS FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

Everett School
Building Loan,
Act of 1905.

SECTION 1. The city of Everett, for the purpose of acquiring lands and erecting and furnishing buildings for

school purposes, is hereby authorized to issue from time to time negotiable notes or bonds to an amount not exceeding one hundred and fifty thousand dollars, denominated on the face thereof, Everett School Building Loan, Act of 1905, and bearing interest at a rate not exceeding four per cent per annum, payable semi-annually.

SECTION 2. Such notes or bonds shall be payable in such periods, not exceeding twenty years from the date of issue, as the city council shall determine at the time of their issue; and, except as otherwise provided herein, they shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and of acts in amendment thereof and in addition thereto. Such notes or bonds shall not be reckoned in determining the statutory limit of indebtedness of the city.

Payment of
loan, etc.

Not to be
reckoned in
determining
debt limit.

SECTION 3. This act shall take effect upon its passage.

Approved April 5, 1905.

AN ACT RELATIVE TO THE TAKING OF QUAHAUGS IN THE
TOWNS OF ORLEANS AND EASTHAM.

Chap. 265

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter two hundred and sixty-nine of the acts of the year nineteen hundred and four is hereby amended by adding at the end of said section the words: — and nothing herein contained shall be construed to affect the rights of the inhabitants of Orleans and Eastham under section five of chapter sixty-four of the acts of the year seventeen hundred and ninety-six, approved March third, seventeen hundred and ninety-seven, — so as to read as follows: — *Section 6.* So much of section eighty-five of chapter ninety-one of the Revised Laws as is inconsistent herewith shall not apply to the said towns; and nothing herein contained shall be construed to affect the rights of the inhabitants of Orleans and Eastham under section five of chapter sixty-four of the acts of the year seventeen hundred and ninety-six, approved March third, seventeen hundred and ninety-seven.

1904, 269, § 6,
amended.

Certain rights
not affected,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1905.

Chap.266 AN ACT TO PROVIDE THAT AN ACTION FOR DAMAGES FOR INJURY TO PROPERTY MAY BE BROUGHT BY ONE OR MORE JOINT TENANTS OR TENANTS IN COMMON.

Be it enacted, etc., as follows:

Tenants may sue for damages to property.

SECTION 1. Joint tenants or tenants in common may join in any action to recover damages for injury to real or personal property, or any one or more of them may sue for his or their damages.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1905.

Chap.267 AN ACT RELATIVE TO THE EMPLOYMENT AND SCHOOL ATTENDANCE OF MINORS.

Be it enacted, etc., as follows:

R. L. 106, § 28, amended.

SECTION 1. Section twenty-eight of chapter one hundred and six of the Revised Laws is hereby amended by inserting after the word "years", in the first line, the words:— and no child who is over fourteen and under sixteen years of age who does not have a certificate as required by the following four sections certifying to the child's ability to read at sight and to write legibly simple sentences in the English language,— by striking out the word "such", in the third line,— by inserting after the word "child", in the third line, the words:— under the age of fourteen years,— and by striking out the word "nor", in the sixth line, and inserting in place thereof the word:— or,— so as to read as follows:— *Section 28.* No child under the age of fourteen years and no child who is over fourteen and under sixteen years of age who does not have a certificate as required by the following four sections certifying to the child's ability to read at sight and to write legibly simple sentences in the English language shall be employed in any factory, workshop or mercantile establishment. No child under the age of fourteen years shall be employed at work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the city or town in which he resides are in session, or be employed at work before six o'clock in the morning or after seven o'clock in the evening.

Employment and school attendance of minors.

SECTION 2. No certificate as provided for by sections twenty-nine to thirty-two inclusive of chapter one hundred and six of the Revised Laws shall be approved by any person for a minor under the age of sixteen years who intends to be employed in a factory, workshop or mercantile establishment, unless such person is satisfied that such minor is able to read at sight and to write legibly simple sentences in the English language. Approval of certificate.

SECTION 3. This act shall take effect on the first day of January in the year nineteen hundred and six. When to take effect.

Approved April 6, 1905.

AN ACT TO AUTHORIZE THE UNION OF "THE FIRST CONGREGATIONAL CHURCH OF CHELSEA, MASSACHUSETTS", AND "THE THIRD CONGREGATIONAL CHURCH" OF CHELSEA. *Chap. 268*

Be it enacted, etc., as follows:

SECTION 1. "The First Congregational Church of Chelsea, Massachusetts", and "The Third Congregational Church" of Chelsea are hereby authorized, whenever the members of said corporations, by a majority vote of those present and voting at meetings called for the purpose, shall so vote, to unite under the terms of this act in one corporation to be called The First Congregational Church in Chelsea, and when such votes have been passed the said corporations shall thereupon become one corporation under the name of The First Congregational Church in Chelsea. The First and Third Congregational churches of Chelsea may unite.

SECTION 2. Except as hereinafter provided said united corporation shall have and enjoy all the franchises, powers, privileges, property and rights of every kind now belonging to "The First Congregational Church of Chelsea, Massachusetts", and "The Third Congregational Church" of Chelsea, and shall assume and be subject to all the duties, debts and liabilities of said corporations, and shall be subject to all general laws now or hereafter in force relating to religious corporations. Franchises, powers, etc.

SECTION 3. All property, whether real or personal, held in trust by said First and Third churches shall be vested in said The First Congregational Church in Chelsea, to be held upon the same, or as nearly as possible upon the same, trusts as said trust property is now held. In case of doubt as to the precise manner in which such trust Certain property to be vested in The First Congregational Church in Chelsea, etc.

property or the income thereof should be applied, the matter may be determined by the supreme judicial court upon application of any person interested or of the attorney-general; and, until said court shall otherwise order, said trust property and the income thereof shall be applied in accordance with the terms of the original trusts or as nearly as possible in accordance therewith by said The First Congregational Church in Chelsea.

Membership,
etc.

SECTION 4. Said united church shall continue under the same organization and with the same by-laws, until amended as therein provided, as the existing church known as "The First Congregational Church of Chelsea, Massachusetts"; but upon the union, all persons who are members of either of said two existing corporations shall become members of said united corporation, with all the rights of any members thereof.

Records, etc.

SECTION 5. The records and other books and papers of said existing corporations shall be the property of said united corporation; and certified copies of the votes of the existing corporations agreeing to the union authorized by this act, sworn to by their respective clerks and recorded in the registry of deeds for the county of Suffolk, shall be sufficient evidence of the establishment of said united corporation.

SECTION 6. This act shall take effect upon its passage.

Approved April 6, 1905.

Chap. 269 AN ACT RELATIVE TO THE ABANDONMENT OF CHILDREN BY PARENTS OR OTHERS.

Be it enacted, etc., as follows:

R. L., 83, § 10,
amended.

Section ten of chapter eighty-three of the Revised Laws is hereby amended by striking out the word "two", in the first line, and inserting in place thereof the word:—ten,— and by inserting after the word "parent", in the second line, the words:—or being under a legal duty to care for it,— so as to read as follows:—*Section 10.* Whoever abandons an infant under ten years of age within or without any building, or, being its parent, or being under a legal duty to care for it, and having made a contract for its board or maintenance, absconds or fails to perform such contract, and who for four weeks after such absconding or breach of his contract, if of sufficient physical and mental ability, neither visits nor removes such

Penalty for
abandonment
of infants.

infant nor notifies the overseers of the city or town in which he resides of his or her inability to support such infant shall be punished by imprisonment, if a man, in the house of correction, or, if a woman, in the reformatory prison for women, for not more than two years; or, if the infant dies by reason of such abandonment, for not more than five years. Whoever knowingly and with wrongful intent aids or abets in abandoning such infant shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than two years.

Approved April 6, 1905.

AN ACT MAKING AN APPROPRIATION FOR CERTAIN EXPENSES
OF THE UNITED STATES STEAMER INCA INCURRED IN THE
YEAR NINETEEN HUNDRED AND FOUR. *Chap. 270*

Be it enacted, etc., as follows:

SECTION 1. The sum of seven hundred seventy-one dollars and sixty cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for certain expenses incurred in the year nineteen hundred and four on account of the United States steamer Inca. Expenses of
U. S. steamer
Inca.

SECTION 2. This act shall take effect upon its passage.

Approved April 6, 1905.

AN ACT TO AUTHORIZE THE ADVANCING OF CERTAIN CAUSES
FOR SPEEDY TRIAL. *Chap. 271*

Be it enacted, etc., as follows:

Section fifty-five of chapter one hundred and seventy-three of the Revised Laws is hereby amended by adding at the end thereof the words: — If, in an action appealed by the defendant from a police, district or municipal court or trial justice, the court is satisfied, upon an inspection of the declaration, that the plaintiff seeks to recover solely for his personal labor, with or without interest, the court may, upon motion, advance such action for speedy trial, — so as to read as follows: — *Section 55.* If, in an action in which the plaintiff seeks merely to recover a debt or a liquidated demand, with or without interest, the defendant has appeared, the plaintiff may, within twenty days after the expiration of the time allowed to the de- R. L. 173, § 55,
amended.

Certain causes
may be
advanced for
speedy trial.

Certain causes
may be
advanced for
speedy trial.

defendant for filing an answer, file an affidavit verifying the cause of action and stating that in his belief there is no defence thereto, and thereupon the clerk shall issue an order requiring the defendant to show cause why judgment should not be given for the plaintiff. The plaintiff shall immediately give notice in writing to the defendant of such order, and unless the defendant, within seven days after such notice, or within such further time as the court may allow, consents to a default and to judgment for the amount demanded, or unless he discloses, by affidavit or in such other manner as the court may order, such facts as the court finds entitle him to defend, the court shall advance such action for speedy trial; but if, upon a hearing under such order and notice, the court does not so advance the action, it may in its discretion award the defendant reasonable costs. The court shall require the defendant to disclose specifically and clearly the substantive facts upon which he relies. If, in an action appealed by the defendant from a police, district or municipal court or trial justice, the court is satisfied, upon an inspection of the declaration, that the plaintiff seeks to recover solely for his personal labor, with or without interest, the court may, upon motion, advance such action for speedy trial.

Approved April 6, 1905.

Chap. 272 AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT BOOKKEEPER IN THE DEPARTMENT OF THE TREASURER AND RECEIVER GENERAL.

Be it enacted, etc., as follows:

Salary of
assistant book-
keeper in
department of
treasurer
established.

SECTION 1. From and after the first day of January in the year nineteen hundred and five the assistant bookkeeper in the department of the treasurer and receiver general shall receive a salary of fifteen hundred dollars a year.

Repeal.

SECTION 2. So much of section four of chapter six of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1905.

AN ACT TO REGULATE THE SHOOTING OF WILD DUCKS AND
GEESE IN CERTAIN WATERS OF THE COUNTY OF DUKES
COUNTY. *Chap. 273*

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful in the county of
Dukes County for any person to shoot or kill wild ducks
or geese in any fresh water pond from a boat, raft or other
device located at a greater distance than fifty yards from
the shore. Shooting of
wild ducks,
etc., in certain
waters of the
county of
Dukes County
regulated.

SECTION 2. Any person violating any provision of
this act shall be punished by a fine of not less than five
nor more than two hundred and fifty dollars. Penalty.

Approved April 7, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS
HOSPITAL FOR DIPSO MANIACS AND INEBRIATES. *Chap. 274*

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appro-
priated, to be paid out of the treasury of the Commonwealth
from the ordinary revenue, for the support of the Massa-
chusetts hospital for dipsomaniacs and inebriates during
the year ending on the thirty-first day of December, nine-
teen hundred and five, to wit: — Appropriations.

For the expenses of said institution, including the ex-
pense of printing and binding the annual report, the sum
of fourteen thousand four hundred and forty-six dollars,
this sum being based upon the average number of state
patients at the rate of three dollars and twenty-five cents
per week, and to be in addition to the receipts from
other sources, as provided for by sections one hundred
and twenty-seven and one hundred and twenty-eight of
chapter eighty-seven of the Revised Laws; and so much
of said receipts as may be needed to pay the expenses of
said institution may be used for that purpose. Massachusetts
hospital for
dipsomaniacs
and inebri-
ates, expenses.

For current expenses, in addition to the appropriation
for state patients, and to include the expense of main-
taining industries at the said institution, a sum not ex-
ceeding twelve thousand dollars. Current
expenses.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1905.

Chap.275 AN ACT RELATIVE TO THE ANNUAL REPORT OF THE STATE BOARD OF HEALTH.

Be it enacted, etc., as follows:

R. L. 9, § 7,
amended.

Report of
state board of
health.

Section seven of chapter nine of the Revised Laws is hereby amended by striking out the words “ five thousand copies ”, in the sixty-sixth line, and inserting in place thereof the words: — four thousand five hundred copies, of which five hundred copies may be issued in parts, for the use of the board, — so that the paragraph will read as follows: — Of the state board of health, four thousand five hundred copies, of which five hundred copies may be issued in parts, for the use of the board.

Approved April 7, 1905.

Chap.276 AN ACT TO AUTHORIZE THE INTERNATIONAL YOUNG MEN’S CHRISTIAN ASSOCIATION TRAINING SCHOOL TO GRANT DEGREES.

Be it enacted, etc., as follows:

The Inter-
national
Young Men’s
Christian
Association
Training
School may
grant degrees.

SECTION 1. The International Young Men’s Christian Association Training School is hereby authorized and empowered to grant the degrees of bachelor and master of humanics (B. H. and M. H.) to those of its students who have satisfactorily completed the secretarial course prescribed by the faculty and officers of the said training school; and also the degrees of bachelor and master of physical education (B. P. E. and M. P. E.) to those of its students who have satisfactorily completed the course in physical training prescribed by the faculty and officers of the said training school.

SECTION 2. This act shall take effect upon its passage.

Approved April 7, 1905.

Chap.277 AN ACT TO AUTHORIZE THE TOWN OF UXBRIDGE TO EXPEND AN ADDITIONAL SUM FOR THE PURPOSE OF INCREASING ITS WATER SUPPLY.

Be it enacted, etc., as follows:

1904, 225, § 5,
amended.

SECTION 1. Section five of chapter two hundred and twenty-five of the acts of the year nineteen hundred and four is hereby amended by striking out the word “ fifty ”, in the fourth line, and inserting in place thereof the word: — seventy-five, — so as to read as follows: — *Section 5.*

The town of Uxbridge, for the purposes mentioned in this act, may borrow money from time to time and issue therefor negotiable bonds, notes or scrip to an amount not exceeding the sum of seventy-five thousand dollars. Such bonds, notes or scrip shall be signed by the treasurer of the town and countersigned by the chairman of the selectmen, and shall be denominated on the face thereof, Uxbridge Water Loan, Act of 1904. They shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, and shall bear such rate of interest, not exceeding four per cent per annum, as the town may determine. The town may sell such securities at public or private sale, or pledge the same for not less than the par value thereof for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper, and shall make payable annually a fixed proportion of the principal of such bonds, notes or scrip; and the town shall raise annually by taxation the amount required to meet the interest and the proportion of the principal which is payable annually.

Uxbridge
Water Loan,
Act of 1904.

Town to raise
a certain
amount by
taxation
annually.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1905.

AN ACT RELATIVE TO WIRES AND ELECTRICAL APPLIANCES IN
THE CITY OF SOMERVILLE.

Chap. 278

Be it enacted, etc., as follows:

SECTION 1. The board of aldermen of the city of Somerville may, by ordinance designate some officer or officers of the city who shall have exclusive authority to cause to be removed from the streets of the city, within the district hereinafter prescribed, all telegraph, telephone and electric light, motor and power wires, cables and conductors, in or above said streets, and all poles and other structures in said streets used for the support of the same, except such structures, poles, wires, cables and conductors as are hereinafter excepted. It shall be the duty of such officer or officers, and he or they shall have authority, to grant all necessary permissions for such wires, cables and conductors to be placed, maintained and operated in underground conduits, subject to the ordinances of said city; and it shall be the duty of the commissioner of streets or other officer having charge of the highways in said city, and he shall have authority, to issue all permits for open-

The city of
Somerville
may cause
certain wires,
etc., to be
removed or
placed under-
ground.

ing and occupying the streets in said city which may be necessary to carry out the intent of this provision, upon the application of the officer or officers first above mentioned, or of any person or corporation interested.

To apply to
certain streets,
etc.

SECTION 2. The provisions of this act shall apply to the following named streets within the boundaries of said city:—Broadway, Pearl street, Medford street, Highland avenue, Somerville avenue, Elm street, Cross street, Walnut street, School street, Central street, Bow street, Willow avenue, College avenue, Holland street, Beacon street and Summer street. The work in said Broadway shall be the first work required to be done under this act.

Public notice
to be given,
etc.

SECTION 3. The said officer or officers, within thirty days after appointment, and in each January thereafter until the work in said streets is completed, shall prescribe, giving public notice thereof in some one newspaper published in said city, by advertising therein once a week for three weeks in succession, a part of said streets, consisting of not more than two miles of streets, within which part all of said wires, cables and conductors, except those hereinafter excepted, shall, during that calendar year, be removed or placed underground; and said officer or officers shall cause the owners or users of such wires, cables and conductors to remove them or to put them underground, and also to remove any poles or structures used in the streets to support such wires, cables or conductors, except when, in the judgment of said officer or officers, it is impracticable or inexpedient to remove such wires, cables, conductors or structures; it being the purpose and intent of this act ultimately to cause the removal from the public streets, avenues and highways within said district of all the wires, cables and conductors aforesaid, except those hereinafter excepted.

Certain com-
panies not
required to do
work involving
the expendi-
ture of more
than a certain
sum in any one
year, etc.

SECTION 4. No electric light company shall be obliged to do work hereunder involving the expenditure of more than twenty thousand dollars in any one year. No other company shall be obliged, under the provisions of this act, in any one year, to remove or place underground its wires in any street in which electric light wires are located, unless such electric light wires are also to be removed or placed underground, under the terms hereof.

Certain struc-
tures not to be
placed in
prescribed
streets,
except, etc.

SECTION 5. No person or corporation shall place any poles or other structures for the support of any wires, cables or conductors, except those herein specially excepted, in any street or part thereof which has been pre-

scribed as aforesaid, except temporarily, with the consent of said officer or officers, in an emergency; and if after the expiration of the calendar year in which such street or part thereof was so prescribed there shall remain therein any poles, wires, cables or conductors which said officer or officers shall have ordered to be removed, the said officer or officers shall cause the same to be removed; and the city may collect from the owners or users, by an action of law, any expense involved in such removal.

SECTION 6. The officer or officers who may be designated by the board of aldermen of said city pursuant to section one of this act may at any time, upon application of any person, firm or corporation duly authorized by law to lay or to erect and maintain, and maintaining wires in the streets of said city, grant permission for the removal of any wires, cables, conductors, poles or structures in any of the streets of said city, whether within or without the district specified in section two hereof, and for the placing of the same and any other necessary wires, cables and conductors or any extension thereof underground as herein provided; and it shall be the duty of the commissioner of streets or other officer having charge of the highways in said city, and he shall have authority, after the granting of such permission, to issue such permits for opening and occupying the streets of said city as may be necessary to carry out the intent of this act, upon the application of said officer or officers, or of any person or corporation interested.

Permission may be granted for the removal and placing underground of any wires, etc.

SECTION 7. This act shall not apply to long distance telephone wires, or to posts for the support of lamps exclusively, or to poles used exclusively for local distribution from underground wires, cables or conductors, or to street railway trolley wires, poles or conductors; nor shall it revoke any rights already granted to any person, firm or corporation to place or maintain any conduits, pipes, wires, cables or conductors underground; but any such conduits, pipes, wires, cables or conductors laid hereafter in pursuance of any such grant shall be laid subject to the provisions of this act, so far as they are not inconsistent with the terms of such grant. For the purpose of this act no wire shall be deemed to be a long distance telephone wire which does not extend twenty-five miles at least in a direct line from some central office.

Not to apply to certain wires, etc., nor revoke certain rights, etc.

SECTION 8. When any person, firm or corporation operating or intending to operate wires, cables, conductors

Maps to be filed in certain cases.

Maps to be
filed in certain
cases.

or conduits in said section of said city shall desire or be required to place the same underground in any street or highway in said section, and shall have been duly authorized so to do, it shall be obligatory on such person, firm or corporation to file with the city engineer of said city a map or maps, made to scale, showing the streets or highways which are desired or required to be used for said purposes, and giving the location, dimensions and course of the underground conduit or conductor authorized or required to be constructed, which map or maps shall be satisfactory to and approved in writing by the city engineer before any opening shall be made in any such street or highway under such authority.

Board of
appeal.

SECTION 9. The mayor and aldermen of the city shall constitute a board of appeal to which petitions in writing may be presented by any person, firm or corporation aggrieved by any act or decision of said officer or officers, done or made in pursuance of this act. Such petition shall set forth the specific grievance relied upon, and shall be filed with the mayor of the city within ten days after the act or decision complained of was done or made; and said board after notice given as prescribed in section three of this act shall give a hearing thereon, and may either approve, annul, modify or overrule such act or decision.

Enforcement
of provisions,
etc.

SECTION 10. The supreme judicial court or the superior court, or any justice thereof, shall on petition of said officer or officers have jurisdiction in equity to enforce the provisions of this act or any order of said officer or officers issued thereunder, and to compel compliance therewith.

SECTION 11. This act shall take effect upon its passage.

Approved April 10, 1905.

Chap. 279

AN ACT RELATIVE TO SHADE TREES ON STATE HIGHWAYS.

Be it enacted, etc., as follows:

Care, etc., of
shade trees on
state high-
ways.

SECTION 1. The highway commission shall have the exclusive care and control of all shade trees within the limits of state highways, and may trim, cut or remove such trees or license the trimming, cutting or removal of such trees.

R. L. 208, § 104,
amended.

SECTION 2. Section one hundred and four of chapter two hundred and eight of the Revised Laws is hereby

amended by inserting after the word "town", in the sixth line, the words:— or from the highway commission in the case of a state highway,— and by striking out the last sentence thereof and substituting the following:— In towns the tree warden shall enforce the provisions of this section and of the preceding two sections: *provided, however,* that should he fail to act in the case of a state highway within thirty days after the receipt by him of a complaint in writing from the Massachusetts highway commission, said commission may proceed to enforce the provisions of this section,— so as to read as follows:—

Section 104. Whoever affixes to a tree in a public way or place a playbill, picture, announcement, notice, advertisement or other thing, whether in writing or otherwise, or cuts, paints or marks such tree, except for the purpose of protecting it and under a written permit from the officer having the charge of such trees in a city or from the tree warden in a town, or from the highway commission in the case of a state highway, shall be punished by a fine of not more than fifty dollars for each offence. In towns the tree warden shall enforce the provisions of this section and of the preceding two sections: *provided, however,* that should he fail to act in the case of a state highway within thirty days after the receipt by him of a complaint in writing from the Massachusetts highway commission, said commission may proceed to enforce the provisions of this section.

Penalty for affixing notices, etc., to trees in public ways, etc.

Proviso.

SECTION 3. Whoever without authority cuts down or removes a shade tree within the limits of a state highway, or maliciously injures, defaces or destroys any such tree, shall forfeit not less than five nor more than one hundred dollars to the use of the Commonwealth.

Penalty for injury to certain trees, etc.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

Approved April 11, 1905.

AN ACT TO AUTHORIZE THE DETECTIVE AND FIRE INSPECTION DEPARTMENT OF THE DISTRICT POLICE TO MAKE REGULATIONS RELATIVE TO EXPLOSIVES AND INFLAMMABLE FLUIDS.

Chap. 280

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and seventy of the acts of the year nineteen hundred and four is hereby amended by striking out the first three sections and in-

1904, 370, amended.

Powers, etc., to regulate the keeping, etc., of explosives conferred upon the district police.

May make regulations, etc.

No building to be used, etc., for storage, etc., of explosives without a license and permit.

Proviso.

1904, §70, amended.

Granting of permits.

serting in place thereof the following: — *Section 1.* The powers and duties heretofore conferred and imposed upon cities and towns and the mayors and aldermen, city councils and selectmen thereof, by chapter one hundred and two of the Revised Laws, to regulate the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of gunpowder, dynamite, crude petroleum or any of its products, or explosive or inflammable fluids or compounds, tablets, torpedoes or any explosives of a like nature, or any other explosives, except fireworks and fire crackers, are hereby conferred and imposed upon the detective and fire inspection department of the district police, except as to the transportation of said explosives by steam railroads. *Section 2.* The detective and fire inspection department of the district police may make regulations, except as hereinbefore provided, for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of gunpowder, dynamite, crude petroleum or any of its products, or explosive or inflammable fluids or compounds, tablets, torpedoes or any explosives of a like nature, or any other explosives, except fireworks and fire crackers, and may prescribe the materials and construction of buildings to be used for any of the said purposes. *Section 3.* No building shall be erected or used in any city or town for the keeping, storage, manufacture or sale of any of the articles named in section two unless the mayor and aldermen or selectmen have granted a license therefor after a public hearing, fourteen days' public notice of which shall be given at the expense of the applicant, and unless a permit shall be granted therefor by the chief of the district police, or by some official or officials designated by the said chief for that purpose: *provided, however,* that any building lawfully used for any of said purposes at the time of the passage of this act may be continued in such use without a license or permit, but subject however to such alterations in construction and such regulations of such use for protection against fire or explosion as the detective and fire inspection department of the district police may from time to time prescribe.

SECTION 2. Said chapter is hereby further amended by inserting the following new section after section three: — *Section 4.* The chief of the district police may designate some official or officials of any city or town who shall,

when so designated, have the power to grant, in accordance with rules and regulations from time to time established by said detective and fire inspection department of the district police, the permits provided for in the preceding section, and it shall be the duty of such official or officials to grant such permits and to keep a record of the same.

SECTION 3. Said chapter is hereby further amended by striking out section four and inserting in place thereof the following: — *Section 5.* Whoever keeps, stores, uses, manufactures, sells, handles, transports, or otherwise disposes of any of the articles mentioned in section two, in violation of this act or of the regulations made hereunder, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one month, or by both such fine and imprisonment.

1904, 370,
amended.

Penalty.

Approved April 11, 1905.

AN ACT RELATIVE TO THE TAKING OF MENHADEN FOR BAIT
IN THE WATERS OF EDGARTOWN AND COTTAGE CITY.

Chap. 281

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and twenty-seven of chapter ninety-one of the Revised Laws is hereby amended by adding at the end thereof the words: — nor shall they prevent the inhabitants of said towns from taking menhaden for bait for their own use in the waters of their respective towns in the months of July, August, September and October, — so as to read as follows: — *Section 127.* Whoever sets or uses or aids in setting or using any seine, mesh net or gill net for the purpose of catching any other fish than mackerel, or by such means catches and retains any other fish than mackerel, in the waters of the towns of Edgartown and Cottage City within three miles from the shores thereof, may, upon view of the offence by any of the commissioners on fisheries and game or their deputies, or any officer qualified to serve criminal process or member of the district police, be arrested without warrant and prosecuted by him; and on conviction thereof shall be punished by a fine of not more than two hundred dollars, and, in the discretion of the court, shall forfeit to the Commonwealth all fish taken in said nets. The provisions of this section shall not affect the rights of any persons mentioned in section twenty-three or the

R. L. 91, § 127,
amended.

Use of nets in
waters of
Edgartown
and Cottage
City regulated.

Certain rights
not affected.

corporate rights of any fishing company; nor shall they prevent the inhabitants of said towns from taking menhaden for bait for their own use in the waters of their respective towns in the months of July, August, September and October.

Certain
authority of
selectmen of
Edgartown
not affected.

SECTION 2. This act shall not restrict or affect the authority granted by chapter three hundred and one of the acts of the year nineteen hundred and four to the selectmen of the town of Edgartown to issue certain permits for the taking of bait.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1905.

Chap. 282 AN ACT RELATIVE TO THE SUPPORT OF CERTAIN FEEBLE-MINDED PERSONS AND CHILDREN HAVING RESIDENCE IN CERTAIN SMALL TOWNS.

Be it enacted, etc., as follows:

Reimburse-
ment of small
towns for
maintenance
of certain
persons, etc.

SECTION 1. If it appears to the state board of insanity that a town having a taxable valuation of less than five hundred thousand dollars in the valuation of polls and estates established by the general court is, or since the first day of January of the year nineteen hundred and four has been, lawfully charged with the maintenance of inmates of the Massachusetts School for the Feeble-Minded, of The Hospital Cottages for Children, or of any other place under the charge of the state board of insanity, by reason of any such inmate having a legal settlement in such town, the expense thereof may be repaid to such town by the Commonwealth, in whole or in part, as the said board may determine.

Repeal.

SECTION 2. Section eighty-one of chapter eighty-seven of the Revised Laws is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1905.

Chap. 283 AN ACT RELATIVE TO PETITIONS FOR DAMAGES OCCASIONED BY THE LAYING OUT OF OLD COLONY AVENUE IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Petitions for
damages
occasioned by

SECTION 1. Petitions for damages arising under chapter five hundred and nineteen of the acts of the year eight-

een hundred and ninety-seven, being "An Act to provide for the abolition of the grade crossing of Dorchester avenue and the Old Colony railroad in the city of Boston", or for damages arising from acts done under chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, in respect to the abolition of the said grade crossing, may be brought at any time before the first day of January in the year nineteen hundred and six, with the same force and effect as if the said petitions had been brought within the time prescribed by law.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1905.

AN ACT RELATIVE TO THE STORAGE OF INTOXICATING LIQUORS BY PERSONS HOLDING FOURTH OR FIFTH CLASS LICENSES. Chap.284

Be it enacted, etc., as follows:

SECTION 1. It shall be lawful for persons holding fourth or fifth class licenses for the sale of intoxicating liquor to store liquor in a public or private warehouse or on other premises not covered by such license: *provided*, that no liquor shall be delivered to a purchaser from such premises, and that the use of such premises for that purpose shall be approved by the officer or board granting the license.

Certain persons may store intoxicating liquors.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1905.

AN ACT RELATIVE TO THE VISITATION OF CITY AND TOWN PAUPERS BY THE STATE BOARD OF CHARITY. Chap.285

Be it enacted, etc., as follows:

Section four of chapter eighty-one of the Revised Laws is hereby amended by inserting after the word "where", in the second line, the words: — city or, — so as to read as follows: — *Section 4.* The state board of charity may visit and inspect all places where city or town paupers are supported in families.

R. L. 81, § 4, amended.

Visitation by board of charity.

Approved April 13, 1905.

Chap.286 AN ACT RELATIVE TO THE ENGAGEMENTS OF ATTORNEYS IN CERTAIN COURTS OR BEFORE CERTAIN AUDITORS.

Be it enacted, etc., as follows:

R. L. 173, § 81,
etc., amended.

Engagements
of attorneys
in certain
courts or
before certain
auditors.

Section eighty-one of chapter one hundred and seventy-three of the Revised Laws, as amended by section nine of chapter four hundred and forty-eight of the acts of the year nineteen hundred and four, is hereby further amended by striking out all after the word "auditor", in the last line, and inserting in place thereof the words: — unless it shall appear to the court in any particular case that it is just and reasonable that he should so proceed, — so as to read as follows: — *Section 81.* An attorney of record who is actually engaged in the trial of a cause in the supreme judicial court or in the superior court, or in the land court, or before an auditor who has been appointed by either of said courts, shall not be required to proceed to the trial of any other cause in either of said courts or before another auditor, unless it shall appear to the court in any particular case that it is just and reasonable that he should so proceed.

Approved April 13, 1905.

Chap.287 AN ACT RELATIVE TO RESERVES FOR CERTAIN INSURANCE COMPANIES.

Be it enacted, etc., as follows:

Liability in-
surance com-
panies to
render a state-
ment to the
insurance
commissioner.

SECTION 1. Every insurance company which has for ten years or more undertaken to insure persons, firms or corporations against loss or damage on account of the bodily injury or death by accident of any person for which loss or damage said persons, firms or corporations are respectively responsible shall, on or before the first day of October in each year, render to the insurance commissioner a statement in writing of its business transacted in the United States, which shall show separately for each of the five calendar years constituting the first half of the period of ten years next preceding the thirty-first day of December of the year in which the statement is made: —

(1) The number of persons reported injured under all its forms of liability policies, whether such injuries were reported to the home office of the company or to any of

its representatives, and whether such injuries resulted in loss to the company or not;

Liability insurance companies to render a statement to the insurance commissioner.

(2) The amount that, on or before the thirty-first day of August of the year in which the statement is made, had been paid on account or in consequence of all injuries so reported, including therein all payments on suits arising from such injuries;

(3) The number of suits or actions under such policies on account of injuries reported which have been settled either by payment or compromise;

(4) The amount paid in settlement of such suits or actions on or before the thirty-first day of August of the year when the statement is made, including therein all payments made on account or in consequence of injuries from which the suits arose, whether prior to or later than the date when the suits were brought.

SECTION 2. Every such company shall in its financial statements hereafter made in this Commonwealth use the experience so ascertained for computing its outstanding losses under all its forms of liability policies, irrespective of the date when the policies were issued. The average cost per suit of settling such cases, as computed by the data required in the preceding section, shall be multiplied by the number of suits or actions pending on account of injuries reported prior to eighteen months previous to the date on which the condition of the company is to be ascertained and shown, which suits or actions are being defended for or on account of a holder of any such policy; also the average cost on account of each injured person, determined as aforesaid from the company's experience, shall be multiplied by the number of injuries reported within the eighteen months prior to making the statement of the company's condition, whether such injuries were reported to the home office of the company or to any of its representatives. From the sum of these two products so ascertained there shall be deducted the amount of all payments made on account or in consequence of said injuries reported within eighteen months, this amount so deducted to be taken as of the date at which the said statement is made. The sum remaining after making this deduction shall be charged as the liability of the company on account of outstanding losses.

Method of computing outstanding losses of liability companies from their own experience.

SECTION 3. Any admitted company issuing liability contracts which by reason of its limited experience in lia-

Method of computing outstanding

losses of
liability
companies
from the ex-
perience of
other com-
panies.

bility underwriting cannot furnish the information required by section one shall nevertheless, until it is able to comply with said requirements, be charged with a liability for outstanding losses upon all kinds of its liability policies an amount not less than the amount resulting from the following process:— The number of suits or actions pending on account of injuries reported prior to eighteen months previous to the date of making up the statement, whether such injuries were reported to the home office of the company or to any of its representatives, which are being defended on account of the holder of any policy, shall be multiplied by the average cost per suit as shown by the average experience of all other admitted liability companies, ascertained from the data required by section one; also the number of injuries reported under said policies at any time within eighteen months of making up the statement, whether reported to the home office of the company or to any of its representatives and whether such injuries resulted in loss to the company or not, shall be multiplied by the average cost for each injured person as shown by the average of said experience of all other admitted liability companies, ascertained from the data required by section one. From the sum of these two products there shall be deducted the amount of all payments made on account or in consequence of said injuries reported within eighteen months, this amount to be taken as of the date at which the statement is made. A sum not less than the amount remaining after this deduction shall be charged as a liability for outstanding losses to liability companies covered by the provisions of this section. The average cost for suits and for injured persons required by this section shall, on or before the first day of December of each year, be furnished by the insurance commissioner to every such company which has not had an experience of ten years in liability underwriting.

SECTION 4. This act shall take effect upon its passage.

Approved April 13, 1905.

Chap. 288

AN ACT RELATIVE TO APPEALS FROM THE LAND COURT.

Be it enacted, etc., as follows:

Appeals from
the land court.

Appeals from the land court to the superior court shall be appeals for a jury trial on the facts. When an appeal

is taken from the land court to the superior court, the judge of the land court who rendered the decision or made or signed the order or decree appealed from shall, within thirty days after the entry of the appeal in the superior court, file in said superior court a full report of his decision and of the facts found by him so far as they relate to or bear upon any questions involved in the appeal, and upon the trial of the cause in the superior court such report shall be prima facie evidence as to the matters therein contained.

Approved April 13, 1905.

AN ACT RELATIVE TO THE PRACTICE OF DENTISTRY.

Chap. 289

Be it enacted, etc., as follows:

SECTION 1. Section twenty-eight of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "law", in the seventh line, the words:— and any person or corporation owning or carrying on a dental business, and in said business employing or permitting any person to perform an operation, or to make an examination as aforesaid, unless such person first obtains and holds a certificate therefor as required by law, or having such certificate fails to post the same as required by section twenty-six, and whoever owns or carries on a dental business and fails to exhibit his name as required by section twenty-six, — and by adding at the end thereof the words:— and, in case of a corporation, the officers or manager of such corporation shall also be liable to said fine and penalty, — so as to read as follows:—

R. L. 76, § 28,
amended.

Section 28. Whoever falsely claims or pretends to have or hold a certificate granted by said board, or falsely and with intent to deceive claims or pretends to be a graduate from any incorporated dental college, or who performs any operation on, or makes examination of, with the intent of performing or causing to be performed any operation on, the human teeth or jaws, without obtaining a certificate as required by law, and any person or corporation owning or carrying on a dental business, and in said business employing or permitting any person to perform an operation, or to make an examination as aforesaid, unless such person first obtains and holds a certificate therefor as required by law, or having such certificate fails to post the same as required by section twenty-six, and whoever owns or carries on a dental business and fails to

Practice of
dentistry,
penalties.

exhibit his name as required by section twenty-six, shall, for each offence, be punished by a fine of not less than fifty nor more than one hundred dollars or by imprisonment for three months, and, in case of a corporation, the officers or manager of such corporation shall also be liable to said fine and penalty.

R. L. 76, § 29,
etc., amended.

SECTION 2. Section twenty-nine of said chapter seventy-six, as amended by chapter two hundred and nineteen of the acts of the year nineteen hundred and three, is hereby further amended by inserting after the word "college", where it first occurs in the tenth line, the words: — incorporated under the laws of this Commonwealth, and duly authorized to grant degrees in dentistry, — so as to read as follows: — *Section 29.* The provisions of sections twenty-four to twenty-eight, inclusive, shall not apply to a physician registered under the provisions of this chapter and in actual practice as a physician, in cases where he deems immediate treatment necessary for the relief of his patients, nor prevent a licensed dentist of another state from operating at a public clinic under the auspices of a duly organized and reputable dental association nor a student of a reputable chartered dental college incorporated under the laws of this Commonwealth, and duly authorized to grant degrees in dentistry, from performing operations in the college infirmary as a part of the regular college course and in the presence, and under the actual instruction, of a registered dentist appointed as instructor.

Not to apply
to certain
physicians or
dentists, etc.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1905.

Chap. 290 AN ACT TO LEGALIZE AND CONFIRM CERTAIN PROCEEDINGS
OF THE TOWN OF ATHOL.

Be it enacted, etc., as follows:

SECTION 1. The election of assessor at the annual town meeting of the town of Athol, held on the sixth day of March in the year nineteen hundred and five, shall not be invalid by reason of the fact that the warrant calling the said meeting omitted the assessor from the list of officers to be voted for, and the election of assessor at said meeting is hereby legalized and confirmed.

Certain pro-
ceedings of
town of Athol
confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1905.

AN ACT RELATIVE TO THE LAND COURT.

Chap. 291

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and forty-eight of the acts of the year nineteen hundred and four is hereby amended by adding after section ten the following new section:—*Section 11.* Nothing in this act shall affect proceedings pending in the superior court on the eighth day of July in the year nineteen hundred and four.

1904, 448,
amended.

Certain pro-
ceedings not
affected.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1905.

AN ACT RELATIVE TO THE HOOSAC ELECTRIC POWER COMPANY. *Chap. 292*

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and seventy-seven of the acts of the year nineteen hundred and four, in so far as it applies to or affects the Hoosac Electric Power Company, is hereby repealed, and the charter, organization and other acts of said corporation shall remain of the same force and effect as at the time of the passage of said act.

Charter of
Hoosac Elec-
tric Power
Company
revived, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1905.

AN ACT TO AUTHORIZE THE OLD COLONY STREET RAILWAY COMPANY TO SELL ELECTRICITY TO THE EASTERN PARK CONSTRUCTION COMPANY. *Chap. 293*

Be it enacted, etc., as follows:

SECTION 1. The Old Colony Street Railway Company is hereby authorized to sell to the Eastern Park Construction Company so much electricity as the said construction company may require for its use for light, heat and power, in excess of the amount of electricity which the town of Hull may from time to time offer to furnish to said construction company from its municipal light plant.

The Old
Colony Street
Railway Com-
pany may sell
electricity to
the Eastern
Park Construc-
tion Company.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1905.

Chap.294 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS STATE SANATORIUM.

Be it enacted, etc., as follows:

Massachusetts
state sana-
torium.

SECTION 1. The sum of ninety-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the care and maintenance of patients at the Massachusetts state sanatorium during the year ending on the thirty-first day of December, nineteen hundred and five, and to include the expense of printing and binding the annual report; this amount to be in addition to any sums that may be received by the institution; and so much of such receipts as may be needed to pay the expenses of the institution may be used for that purpose.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1905.

Chap.295 AN ACT TO PROVIDE FOR THE APPOINTMENT OF FEMALE PROBATION OFFICERS FOR THE MUNICIPAL COURTS OF THE SOUTH BOSTON AND ROXBURY DISTRICTS OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

R. L. 217, § 81,
amended.

Probation
officers,
appointment,
etc.

Section eighty-one of chapter two hundred and seventeen of the Revised Laws is hereby amended by inserting after the word "officers", in the fifth line, the words: — The justice of the municipal court of the South Boston district and the justice of the municipal court of the Roxbury district may also each appoint one female assistant probation officer, — so as to read as follows: — *Section 81.* The superior court may appoint probation officers and the justice of each police, district or municipal court and the chief justice of the municipal court of the city of Boston shall appoint one probation officer. Said chief justice may also appoint not more than five male and two female assistant probation officers. The justice of the municipal court of the South Boston district and the justice of the municipal court of the Roxbury district may also each appoint one female assistant probation officer. Each probation officer and assistant probation officer so appointed shall hold his office during the pleasure of the court which makes the appointment.

Approved April 13, 1905.

AN ACT TO SIMPLIFY DEALINGS IN REGISTERED LAND.

*Chap.*296

Be it enacted, etc., as follows:

SECTION 1. The third paragraph of section sixty-two of chapter one hundred and twenty-eight of the Revised Laws is hereby amended by striking out the words "the owner's duplicate certificate and", in the twenty-seventh line, so that said paragraph will read as follows:—

R. L. 128, § 62,
paragraph 3,
amended.

In case of foreclosure by exercising the power of sale without a previous decree of court, the affidavit required by section fifteen of chapter one hundred and eighty-seven shall be filed and registered with the assistant recorder, in lieu of recording. The purchaser at the foreclosure sale or his assigns may thereupon at any time present the deed under the power of sale to the assistant recorder for filing and registration, and obtain a new certificate, after the mortgagee's duplicate, if any, has been delivered up and cancelled; but the provisions of this chapter shall not prevent the mortgagor or other person in interest, prior to the entry of a new certificate of title, from directly impeaching, by bill in equity or otherwise, any foreclosure proceedings which affect registered land.

Foreclosure of
mortgages on
registered
land.

SECTION 2. This act shall not apply to mortgages filed for registration before it takes effect, unless the mortgagor or other person in interest shall have accepted the provisions of this act by an instrument in writing, duly acknowledged and registered, and clearly designating the mortgage which is by said instrument brought under this act.

Not to apply to
certain
mortgages.

Approved April 13, 1905.

AN ACT TO AUTHORIZE THE TOWN OF SAUGUS TO INCUR INDEBTEDNESS FOR THE CONSTRUCTION OF SCHOOLHOUSES AND THE ACQUISITION OF LAND THEREFOR.

*Chap.*297

Be it enacted, etc., as follows:

SECTION 1. The town of Saugus is hereby authorized to issue from time to time in addition to the amounts now authorized by law, notes, scrip or bonds, to be denominated on the face thereof, Saugus School House Loan, 1905, to an amount not exceeding one hundred thousand dollars, payable at periods of not more than thirty years from the dates of issue. The proceeds of such notes, scrip or bonds

Saugus School
House Loan,
1905.

shall be used for constructing schoolhouses and acquiring land therefor.

Payment of
loan.

SECTION 2. The said town, instead of establishing a sinking fund, may at the time of authorizing the said loan or any part thereof provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed by this act; and when such provision has been made the amount required thereby shall without further vote be assessed by the assessors of the said town in each year thereafter, until the debt incurred by the said loan shall be extinguished, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws shall apply to the indebtedness hereby authorized and to the securities issued therefor, so far as the same may be applicable.

R. L. 27 to
apply.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1905.

Chap. 298 AN ACT TO AUTHORIZE THE TEMPORARY USE OF ARMORIES
FOR CERTAIN PURPOSES.

Be it enacted, etc., as follows:

Temporary
use of armories
may be allowed
for certain
purposes.

SECTION 1. The adjutant general, upon terms and conditions to be prescribed by him and upon an application approved by the military custodian of an armory provided in any city or town for the militia, may allow the temporary use of such armory in case of public emergency or for municipal purposes.

Compensation.

SECTION 2. The compensation fixed by the adjutant general for every such temporary use shall be paid to the treasurer and receiver general within ten days after the occupation of the armory for such temporary use ceases, accompanied by the certificate of the adjutant general that the sum so paid is the correct amount; and all moneys so paid shall be credited to the armory appropriation for the fiscal year in which the payment is made.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1905.

AN ACT TO AUTHORIZE THE OLD COLONY STREET RAILWAY COMPANY TO CONSTRUCT AND MAINTAIN POLE LINES. *Chap.299*

Be it enacted, etc., as follows:

SECTION 1. The Old Colony Street Railway Company may lay out, extend, construct and maintain across and over or under, but not along, any railroad location, lines of wires, upon poles or in a conduit, for the transmission of electricity from any generating to any transforming station owned or operated by said company: *provided, however*, that before beginning the work of laying out, extending or constructing lines of wires as herein provided the street railway company shall give the railroad corporation thirty days' notice in writing of the proposed work, accompanied by a plan thereof, and in case the said companies are unable to agree as to the manner, place and details of such crossing, the question of the necessity for the crossing and the manner, place and details thereof shall be determined by the board of railroad commissioners, upon petition of either the street railway company or the railroad corporation, and after such notice as the commissioners may order.

The Old Colony Street Railway Company may maintain, etc., lines of wires over or under, etc., railroad locations.

Proviso.

SECTION 2. Said street railway company shall pay all damages caused by the location, construction and maintenance of such electric lines upon and over a railroad, or by the taking of any property or rights in property of a railroad corporation therefor; and such damages, upon the application of either party in case of failure to agree as to the amount thereof, shall be assessed, secured and paid in the manner provided by chapter one hundred and eleven of the Revised Laws relative to the assessment, security for payment and payment of damages when land is taken for railroad purposes.

Damages.

Approved April 14, 1905.

AN ACT MAKING AN APPROPRIATION FOR THE CAPE COD PILGRIM MEMORIAL ASSOCIATION. *Chap.300*

Be it enacted, etc., as follows:

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth to the Cape Cod Pilgrim Memorial Association, as authorized by chapter one hundred and twenty-seven of the resolves of the year nineteen hundred

Appropriation for the Cape Cod Pilgrim Memorial Association.

and two, to be expended by said association toward the erection at Provincetown of a suitable memorial of the first landing of the pilgrims on the soil of Cape Cod, and the signing of the compact in the cabin of the Mayflower while at anchor in Provincetown harbor.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1905.

*Chap.*301 AN ACT IN ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR SUNDRY EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND FOUR.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for certain expenses in excess of appropriations therefor in the year nineteen hundred and four, to wit:—

Transportation of state paupers.

For transportation of state paupers by the state board of insanity, the sum of four hundred thirty dollars and ninety cents.

State armories.

For expenses of state armories, the sum of one thousand twenty-five dollars and forty-eight cents.

U. S. steamer Inca.

For expenses of the United States steamer Inca, the sum of three hundred seventy-three dollars and twenty-nine cents.

Quartermaster general's department.

For incidental expenses of the quartermaster general's department, the sum of three dollars and twenty-five cents.

Blank forms for town officers.

For blank forms for town officers, the sum of one hundred dollars and ninety cents.

Tuition of certain children.

For high school tuition for children in small towns, the sum of one hundred and ninety-five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 14, 1905.

*Chap.*302 AN ACT TO PROVIDE FOR THE CONSTRUCTION AT SPRINGFIELD OF A BUILDING FOR THE REGISTRY OF DEEDS AND FOR THE PROBATE COURT FOR THE COUNTY OF HAMPDEN.

Be it enacted, etc., as follows:

New building to be erected for the regis-

SECTION 1. The county commissioners of the county of Hampden are hereby directed to erect a new building

in the city of Springfield for the use of the registry of deeds and the probate court for said county, and may take by purchase or otherwise such land, and easements appurtenant thereto, as may be necessary for that purpose, and may take all rights which any person may have in the passageway situate westerly of land now owned by said county adjoining the present court house. The new building may be connected with the present court house by a one story covered passageway, and said building and covered passageway shall be made as nearly fireproof as is possible.

try of deeds and probate court, Hampden county.

SECTION 2. Said county commissioners shall, within sixty days after the taking of any land or easement under this act, otherwise than by purchase, file and cause to be recorded in said registry of deeds a description of such land sufficiently accurate for identification, with a statement of the purpose for which the same was taken, signed by said county commissioners; and the title of the lands so taken shall vest in said county in fee.

Description of land, etc., to be recorded, etc.

SECTION 3. Said county shall pay all damages to property sustained by any persons by reason of such taking or by discontinuing said passageway, and if any person sustaining such damages shall fail to agree with the said county commissioners as to the amount thereof he or the said commissioners may, within one year after such taking or discontinuance, file in the office of the clerk of the superior court for said county a petition for a jury to determine such damages; and thereupon, after such notice as said court shall order, the damages shall be determined by a jury in said court in the same manner as damages for lands taken for the laying out of highways, and costs shall be taxed as in civil cases.

Damages.

SECTION 4. Said commissioners shall contract for the erection of said building, in accordance with the provisions of section twenty-seven of chapter twenty of the Revised Laws.

Contracts.

SECTION 5. In order to meet the expenses incurred under this act said commissioners may borrow from time to time upon the credit of said county a sum not exceeding in the aggregate two hundred thousand dollars. Such indebtedness shall be paid out of amounts received for taxes, at the rate of ten thousand dollars each year, commencing with the year nineteen hundred and six, until the whole indebtedness is discharged.

County commissioners may borrow upon credit of county, etc.

Payment of
personal
expenses of
commissioners.

SECTION 6. Upon the completion of said building the commissioners shall return a certified statement of their personal expenses incurred in connection with said work to the controller of county accounts, who shall audit and certify the same to the treasurer of said county, and the treasurer shall pay them for such expenses from the treasury of said county.

SECTION 7. This act shall take effect upon its passage.

Approved April 17, 1905.

Chap. 303 AN ACT RELATIVE TO THE PLACING OF PAUPER CHILDREN IN FAMILIES.

Be it enacted, etc., as follows:

R. L. 81, § 5,
amended.

SECTION 1. Section five of chapter eighty-one of the Revised Laws is hereby amended by striking out the word "four", in the second line, and inserting in place thereof the word: — two, — so as to read as follows: — *Section 5.* In every city and town, said overseers shall place every pauper child who is in their charge and is over two years of age in a respectable family in the Commonwealth, or in an asylum therein, to be there supported by the city or town according to the laws relative to the support of the poor until they can be otherwise cared for. The overseers, personally or by agent, shall visit such child at least once in three months and make all needful inquiries as to his treatment or welfare.

R. L. 81, § 7,
amended.

Certain chil-
dren not to be
retained in
almshouses.

SECTION 2. Section seven of said chapter eighty-one is hereby amended by striking out the word "eight", in the fifth line, and inserting in place thereof the word: — five, — so as to read as follows: — *Section 7.* No such child who can be cared for as provided in section five without inordinate expense shall be retained in an almshouse unless he is a state pauper or an idiot, or otherwise so defective in body or mind as to make his retention in an almshouse desirable, or unless he is under the age of five years and his mother is an inmate thereof and is a suitable person to aid in taking care of him.

Approved April 17, 1905.

AN ACT RELATIVE TO THE PAYMENT OF OPERATIVES IN TEXTILE FACTORIES. Chap. 304

Be it enacted, etc., as follows:

SECTION 1. Section sixty-five of chapter one hundred and six of the Revised Laws is hereby amended by striking out the word "seven", in the fifteenth line, and inserting in place thereof the word: — three, — so as to read as follows: — *Section 65.* The occupier or manager of every cotton factory shall supply to each person who is engaged as a weaver in said factory and is paid by the piece, cut or yard, a printed or written ticket with each warp which shall contain the following specifications as to the work to be done and wages paid: the number of cuts, the number of yards per cut or piece, the price per yard, cut or piece, the number of picks per inch and the number of reeds to the inch. Said occupier or manager shall also supply to each person who is engaged as a frame tender a specification of the number of roving and price per hank or hanks; and to each person engaged as a warper or web drawer a specification of the number of threads in the warp and the rate of compensation; and to each operative who is paid by the pound a specification of the price to be paid per pound or pounds; said specification to be furnished in each case on a printed or written ticket within three days after the time when said operative begins work.

R. L. 106, § 65,
amended.

Specifications
to be furnished
to operatives
in cotton
factories.

SECTION 2. Section sixty-six of chapter one hundred and six of the Revised Laws is hereby amended by striking out the word "or", before the word "maximum", in the seventh line, and inserting in place thereof the word: — and, — by striking out the words "or weight", in the same line, by striking out the word "five", in the fifteenth line, and inserting in place thereof the word: — three, — and by adding at the end of said section the words: — *provided, however,* that if it appears that a variation in excess of the amount hereinbefore set forth has been caused in whole or in part by any weaver in the employ of any person charged with the violation of this act, this shall be deemed a sufficient defence to a prosecution, — so as to read as follows: — *Section 66.* The occupier or manager of every textile factory shall post in every room where any employees work by the job, in legible writing or print-

R. L. 106, § 66,
amended.

Specifications
and rate of
compensation
to be posted
in textile
factories.

Specifications
and rate of
compensation
to be posted
in textile
factories.

ing, and in sufficient numbers to be easily accessible to such employees, specifications of the character of each kind of work to be done by them, and the rate of compensation. Such specifications in the case of weaving rooms shall state the intended and maximum length of a cut or piece, the count per inch of reed, and the number of picks per inch and the price per cut or piece, or per pound; or, if payment is made per pick or per yard, the price per pick or per yard; and each warp shall bear a designating ticket or mark of identification. In roving or spinning rooms the number of roving or yarn and the price per hank for each size of machine shall be stated; and each machine shall bear a ticket stating the number of the roving or yarn made upon it. The maximum length of a cut or piece shall not exceed three per cent of the intended length of the same: *provided, however*, that if it appears that a variation in excess of the amount hereinbefore set forth has been caused in whole or in part by any weaver in the employ of any person charged with the violation of this act, this shall be deemed a sufficient defence to a prosecution.

Proviso.

Penalty.

SECTION 3. Any occupier or manager of a cotton factory who fails to comply with the provisions of the preceding sections shall, for the first offence, be punished by a fine of not less than twenty-five nor more than fifty dollars, and for each subsequent offence by a fine of not less than fifty nor more than one hundred dollars.

Enforcement
of provisions.

SECTION 4. The members of the inspection department of the district police shall enforce the provisions of this act.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed.

When to take
effect.

SECTION 6. This act shall take effect on the first day of July in the year nineteen hundred and five.

Approved April 17, 1905.

Chap.305 AN ACT TO DEFINE THE POWERS OF THE COMMISSIONERS OF PUBLIC WORKS OF THE TOWN OF STONEHAM.

Be it enacted, etc., as follows:

1902, 263, § 3,
amended.

SECTION 1. Chapter two hundred and sixty-three of the acts of the year nineteen hundred and two is hereby amended by striking out section three and inserting in place thereof the following: — *Section 3.* Said commis-

Commissioners
of public

sioners, in respect to the construction, maintenance and repair of streets, ways, bridges, sidewalks, monuments at the termini and angles of roads, and guide posts, and the granting of rights and locations for the maintenance of telephone, telegraph or electric light poles, or poles for other purposes, and in respect to the laying out, construction, maintenance and repair of drains, shall exclusively have the powers, perform the duties, and be subject to the liabilities and penalties of selectmen and surveyors of highways; but all right and authority to lay out streets and to grant franchises or locations in public ways for electric railways shall be vested in the board of selectmen.

works of
Stoneham,
powers, duties,
etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1905.

AN ACT TO ESTABLISH A PART OF THE BOUNDARY LINE BETWEEN THE TOWNS OF MASHPEE AND SANDWICH AND TO ANNEX A PART OF THE TOWN OF SANDWICH TO THE TOWN OF MASHPEE.

Chap. 306

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be a part of the boundary line between the towns of Mashpee and Sandwich:—Beginning at the centre of Santuit river at a corner of the towns of Barnstable, Mashpee and Sandwich at a point opposite a stone bound on the westerly side of said river and about nine hundred feet southwesterly from the bridge over said river in the main highway leading from the village of Santuit to the village of Waquoit; thence south eighty-two degrees, forty minutes west, magnetic, about seven hundred sixty-six and six tenths feet to a stone bound in the easterly side of a passageway; thence northerly about two hundred and sixty-six feet to the southwesterly corner of said passageway and said main highway leading from Santuit to Waquoit; thence along the southerly side of said highway about eleven hundred and ninety-eight feet; thence northerly across said highway, at right angles thereto, about thirty-three feet to the northerly side thereof; thence westerly along the northerly side line of said highway about eleven hundred and ninety-eight feet to a stone bound at the intersection of said northerly side line with the easterly side line of a roadway; thence northwesterly about ten hundred and forty feet along said easterly side line of said

Part of
boundary line
between
Mashpee and
Sandwich
established.

Part of
boundary line
between
Mashpee and
Sandwich
established.

roadway to a stone bound; thence north thirty-one degrees east, magnetic, ten hundred and eighty feet to a stone bound; thence south eighty-two degrees, forty-five minutes east, magnetic, two thousand one hundred thirty-one and four tenths feet to a stone bound; thence north seventy-two degrees, four minutes east, magnetic, twelve hundred and ninety-four feet, crossing Coombs' pond, to a stone bound in the westerly side line of a road leading from Santuit village to Mashpee village; thence south sixty-one degrees fifty-five minutes east, magnetic, about five hundred and fifteen feet, to the centre of Santuit river at a corner of Barnstable, Mashpee and Sandwich opposite a stone bound on the westerly bank at a point about two hundred and sixty feet northerly from the bridge, crossing said river in said highway leading from Santuit to Mashpee. Said line is shown in detail on a plan marked "Plan showing a Detached Portion of the Town of Sandwich, Set off from Mashpee under Act Chapter 87 Laws of 1810. And Being a Part of the Land Conveyed to Gideon Hawley, August 17, 1779, by the Overseers of the District of Mashpee, by Authority of a Resolve of the Great and General Court, Passed June 26, 1779. Survey made July 1904—Chas. M. Thompson, C. E."

Part of
Sandwich
annexed to
Mashpee, etc.

SECTION 2. The area bounded by the above described lines and the Santuit river shall be a part of the town of Sandwich; the remainder of the area which was annexed to the town of Sandwich by chapter eighty-seven of the acts of the year eighteen hundred and ten shall hereafter be a part of the town of Mashpee.

Copy of plan
to be filed.

SECTION 3. Said towns of Sandwich and Mashpee shall forthwith file with the secretary of the Commonwealth a copy of said plan.

SECTION 4. This act shall take effect upon its passage.

Approved April 20, 1905.

Chap. 307 AN ACT RELATIVE TO THE SUPPORT OF WIVES AND MINOR CHILDREN BY PERSONS PLACED ON PROBATION.

Be it enacted, etc., as follows:

R. L. 212, § 45,
amended.

SECTION 1. Section forty-five of chapter two hundred and twelve of the Revised Laws is hereby amended by adding at the end thereof the following:—If a person punishable under the provisions of this section is placed on probation, the court may require, as a condition thereof,

that from time to time he shall pay to his wife for her support and for the support of his minor child such reasonable sum as the court shall direct, or that he shall pay the same to the probation officer of said court, or to such other person as the court shall designate, for the support of the wife or child. The court may from time to time modify and change its decrees as the interests of justice require; and the court may, in its discretion, also require such person to give a bond, with sufficient sureties, payable to the justice thereof, and to his successors, that he will make the said payments. The bond shall be for an amount not exceeding two hundred dollars, and the court may, in its discretion, release such person upon his own recognizance in a sum not exceeding two hundred dollars, whenever the interests of justice so require. Suit may be brought upon the bond by any person authorized thereto by the court, and the proceeds of the suit shall be applied to the support of the wife or child as aforesaid, — so as to read as follows:— *Section 45.* Whoever unreasonably neglects to provide for the support of his wife or minor child shall be punished by a fine of not more than twenty dollars or by imprisonment for not more than six months. All fines imposed under the provisions of this section may, in the discretion of the court, be paid in whole or in part to the city, town, corporation, society or person actually supporting such wife or minor child at the time of making the complaint. Proof of neglect to provide for the support of a wife or minor child as aforesaid shall be prima facie evidence that such neglect is unreasonable. If a person punishable under the provisions of this section is placed on probation, the court may require, as a condition thereof, that from time to time he shall pay to his wife for her support and for the support of his minor child such reasonable sum as the court shall direct, or that he shall pay the same to the probation officer of said court, or to such other person as the court shall designate, for the support of the wife or child. The court may from time to time modify and change its decrees as the interests of justice require; and the court may, in its discretion, also require such person to give a bond, with sufficient sureties, payable to the justice thereof, and to his successors, that he will make the said payments. The bond shall be for an amount not exceeding two hundred dollars, and the court may, in its discretion, release such person upon his own recog-

R. L. 212, § 45,
amended.

Penalty for
non-support of
wife or minor
child.

Support of
wives and
minor children
by persons
placed on
probation.

nizance in a sum not exceeding two hundred dollars, whenever the interests of justice so require. Suit may be brought upon the bond by any person authorized thereto by the court, and the proceeds of the suit shall be applied to the support of the wife or child as aforesaid.

When to take effect.

SECTION 2. This act shall take effect on the first day of July in the year nineteen hundred and five.

Approved April 20, 1905.

Chap.308

AN ACT RELATIVE TO THE ASSIGNMENT OF WAGES.

Be it enacted, etc., as follows:

Assignment of wages not valid unless, etc.

No assignment of future earnings, whether made by the assignor in person or by attorney, shall be valid unless executed in writing, for a period not exceeding two years from the date of said assignment and of any power of attorney under which said assignment is made, nor unless said assignment and power of attorney bear the date of the execution thereof, nor unless made to secure a debt of an amount stated in the assignment with lawful interest, nor unless made to secure a debt contracted prior to or simultaneously with the execution of the assignment, and of any power of attorney under which said assignment is made, or a debt for necessities thereafter to be furnished to the debtor to an amount stated in the assignment, nor shall such assignment be valid against a trustee process unless before the service of the writ upon the alleged trustee it is recorded in the office of the clerk of the city or town where the assignor resides.

Approved April 20, 1905.

Chap.309

AN ACT TO AUTHORIZE THE TRANSFER OF THE FRANCHISE OF THE FRAMINGHAM GAS, FUEL AND POWER COMPANY.

Be it enacted, etc., as follows:

Franchise of Framingham Gas, Fuel and Power Company may be transferred, etc.

SECTION 1. The receivers of the Framingham Gas, Fuel and Power Company are hereby authorized to sell and transfer the franchise of said company to any gas company now or hereafter organized under the laws of Massachusetts, subject to any outstanding mortgage of said franchise, lawfully made by said company, whenever the said receivers shall be empowered so to do by an order or decree of the court by which they were appointed. The purchaser shall hold and possess said franchise and all

rights connected therewith, in the same manner in which the same have heretofore been held by the said Framingham Gas, Fuel and Power Company.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1905.

AN ACT RELATIVE TO THE LICENSING OF ENGINEERS AND FIREMEN. *Chap. 310*

Be it enacted, etc., as follows:

SECTION 1. Section eighty-one of chapter one hundred and two of the Revised Laws is hereby amended by inserting after the word "his", in the fifth line, the word: — total, — and by striking out all after the word "experience", in the same line, down to and including the word "service", in the sixth line, and inserting in place thereof the words:— Wilful falsification in the matter of statements contained in the application shall be deemed sufficient cause for the revocation of said license at any time, — so as to read as follows:— *Section 81.* Who-
ever desires to act as engineer or fireman shall apply for a license therefor to the examiner of engineers for the city or town in which he resides or is employed, upon blanks to be furnished by the examiner. The application shall be accompanied by a fee of one dollar and shall show his total experience. Wilful falsification in the matter of statements contained in the application shall be deemed sufficient cause for the revocation of said license at any time. The applicant shall be given a practical examination and, if found competent and trustworthy, he shall receive, within six days after the examination, a license graded according to the merits of his examination, irrespective of the grade of license for which he applies. The applicant shall have the privilege of having one person present during his examination, who shall take no part in the same, but who may take notes if he so desires. No person shall be entitled to receive more than one examination within ninety days, except in the case of an appeal as hereinafter provided. A license shall continue in force for three years, or until it is revoked for the incompetence or untrustworthiness of the licensee; and a license shall remain revoked until a new license is granted. A license, unless revoked, shall be renewed by an examiner of engineers upon application and without examination, if the

R. L. 102, § 81,
amended.

Engineers and
firemen,
licensing, etc.

application for renewal is made within six months after its expiration. If a new license of a different grade is issued, the old license shall be destroyed in the presence of the examiner. If a license is lost by fire or other means, a new license shall be issued in its place, without re-examination of the licensee, upon satisfactory proof of such loss to an examiner.

R. L. 102, § 82,
amended.

Classes of
licenses.

SECTION 2. Said chapter one hundred and two is hereby further amended by striking out section eighty-two and inserting in place thereof the following:—*Section 82.* Licenses shall be granted according to the competence of the applicant and shall be distributed in the following classes:—Engineers' licenses:—First Class, to have charge of and operate any steam plant. Second class, to have charge of and operate a boiler or boilers, and to have charge of and operate engines, no one of which shall exceed one hundred and fifty horse power, or to operate a first class plant under the engineer in direct charge of the plant. Third class, to have charge of and operate a boiler or boilers not exceeding in the aggregate one hundred and fifty horse power, and an engine not exceeding fifty horse power, or to operate a second class plant under the engineer in direct charge of the plant. Fourth class, to have charge of and operate hoisting and portable engines and boilers. Firemen's licenses:—Extra First class, to have charge of and operate any boiler or boilers. First class, to operate any boiler or boilers. Second class, to have charge of and operate any boiler or boilers where the pressure carried does not exceed twenty-five pounds to the square inch, or to operate high pressure boilers under the engineer or fireman in direct charge thereof. A person holding an extra first or first class fireman's license may operate a third class plant under the engineer in direct charge of the plant. A person who desires to have charge of or to operate a particular steam plant or type of plant may, if he files with his application a written request signed by the owner or user of said plant for such examination, be examined as to his competence for such service and no other, and if found competent and trustworthy shall be granted a license for such service and no other.

R. L. 102, § 86,
amended.

SECTION 3. Section eighty-six of said chapter one hundred and two is hereby amended by adding at the end of said section the words:—All members of the boiler in-

spection department of the district police shall have authority in the pursuance of their duty to enter any premises on which a boiler or engine is situated, and any person who hinders or prevents or attempts to prevent any state boiler inspector from so entering shall be liable to the penalty as specified in this section, — so as to read as follows:—

Section 86. The boiler inspection department of the district police shall act as examiners and enforce the provisions of the eight preceding sections and whoever violates any of the provisions of said sections shall be punished by a fine of not less than ten nor more than three hundred dollars or by imprisonment for not more than three months. A trial justice shall have jurisdiction of complaints for violations of the provisions of the eight preceding sections, and in such cases, may impose a fine of not more than fifty dollars. All members of the boiler inspection department of the district police shall have authority in the pursuance of their duty to enter any premises on which a boiler or engine is situated, and any person who hinders or prevents or attempts to prevent any state boiler inspector from so entering shall be liable to the penalty as specified in this section.

Boiler inspection department of the district police to act as examiners, enforce provisions, etc.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed: *provided, however*, that this act shall not apply to the exemptions specified in section seventy-eight of chapter one hundred and two of the Revised Laws or that such repeal shall not invalidate any license granted under the acts repealed; and licensees holding licenses so granted shall have the powers given to licensees of the same class by section two of this act.

Repeal.

Proviso.

SECTION 5. This act shall take effect on the first day of July in the year nineteen hundred and five.

When to take effect.

Approved April 20, 1905.

AN ACT RELATIVE TO THE REGISTRATION OF AUTOMOBILES AND MOTOR CYCLES AND TO THE LICENSING OF THE OPERATORS THEREOF.

Chap. 311

Be it enacted, etc., as follows:

SECTION 1. In the administration of the law providing for registering automobiles and motor cycles and for licensing operators thereof, any member of the Massachusetts highway commission, or its secretary, may administer oaths and take testimony; and any person who wilfully

Registration of automobiles, etc., oaths, testimony, etc.

swears or affirms falsely in regard to any matter or thing respecting which such oath or affirmation is required by said commission shall be deemed guilty of perjury.

1903, 473, § 1,
amended.

SECTION 2. Section one of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three is hereby amended by striking out the last sentence thereof and inserting in place thereof the following:— Upon the transfer of ownership of any automobile or motor cycle, its registration shall expire and the person in whose name such vehicle is registered shall immediately return the certificate of registration to the Massachusetts highway commission with a written notice containing the date of such transfer of ownership and the name, place of residence and address of the new owner. The Massachusetts highway commission, at its discretion, may assign to any person who so surrenders his registration certificate and who desires to register another automobile or motor cycle the distinguishing number or mark described in the surrendered certificate. No number or number plate other than those prescribed by the Massachusetts highway commission in its certificates of registration shall be displayed on any automobile or motor cycle operated in this Commonwealth: *provided, however*, that any automobile or motor cycle owned by a non-resident of this state who has complied with the laws relative to motor vehicles and the operation thereof of the state in which he resides may be operated by such owner on the roads and highways of this state for a period not exceeding fifteen days without the license, certificate of registration and number plates furnished by the Massachusetts highway commission. Every such vehicle shall have displayed upon it the distinguishing number or mark of the state in which the owner thereof resides and none other until the vehicle is registered in accordance with the provisions of this section, — so as to read as follows:— *Section 1.* All automobiles and motor cycles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Application for such registration may be made, by mail or otherwise, to the Massachusetts highway commission or any agent thereof designated for this purpose, upon blanks prepared under its authority. The application shall, in addition to such other particulars as may be required by said commission, contain a statement of the name, place of residence and address of the appli-

Registration of
automobiles
and motor
cycles.

cant, with a brief description of the automobile or motor cycle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power, and the amount of such motor power stated in figures of horse power; and with such application shall be deposited a registration fee of two dollars. The said commission or its duly authorized agent shall then register, in a book to be kept for the purpose, the automobile or motor cycle described in the application, giving to such automobile or motor cycle a distinguishing number or other mark, and shall thereupon issue to the applicant a certificate of registration. Said certificate shall contain the name, place of residence and address of the applicant and the registered number or mark, shall prescribe the manner in which said registered number or mark shall be inscribed or displayed upon the automobile or motor cycle, and shall be in such form and contain such further provisions as the commission may determine. A proper record of all applications and of all certificates issued shall be kept by the commission at its main office, and shall be open to the inspection of any person during reasonable business hours. The certificate of registration shall always be carried in some easily accessible place in the automobile or motor cycle described therein. Upon the transfer of ownership of any automobile or motor cycle, its registration shall expire and the person in whose name such vehicle is registered shall immediately return the certificate of registration to the Massachusetts highway commission with a written notice containing the date of such transfer of ownership and the name, place of residence and address of the new owner. The Massachusetts highway commission, at its discretion, may assign to any person who so surrenders his registration certificate and who desires to register another automobile or motor cycle the distinguishing number or mark described in the surrendered certificate. No number or number plate other than those prescribed by the Massachusetts highway commission in its certificates of registration shall be displayed on any automobile or motor cycle operated in this Commonwealth: *provided, however*, that any automobile or motor cycle owned by a non-resident of this state who has complied with the laws relative to motor vehicles and the operation thereof of the state in which he resides may be operated by such owner on the roads and highways of this state for a period not exceeding fif-

Fee, etc.

Certificate of registration.

Record of applications and certificates to be kept, etc.

Certificate to be returned in certain cases, etc.

Only number or number plate prescribed by commission to be displayed, etc.
Proviso.

teen days without the license, certificate of registration and number plates furnished by the Massachusetts highway commission. Every such vehicle shall have displayed upon it the distinguishing number or mark of the state in which the owner thereof resides and none other until the vehicle is registered in accordance with the provisions of this section.

1903, 473, § 2,
amended.

Distinguishing
numbers
or marks may
be issued to
manufacturers
and dealers,
etc.

SECTION 3. Section two of said chapter four hundred and seventy-three is hereby amended by striking out the word "license", in the last sentence thereof, and inserting in place thereof the words: — certificate of registration, — so as to read as follows: — *Section 2.* Every manufacturer of or dealer in automobiles or motor cycles may, instead of registering each automobile or motor cycle owned or controlled by him, make application upon a blank provided by said commission for a general distinguishing number or mark, and said commission may, if satisfied of the facts stated in said application, grant said application, and issue to the applicant a certificate of registration containing the name, place of residence and address of the applicant, and the general distinguishing number or mark assigned to him, and made in such form and containing such further provisions as said commission may determine; and all automobiles and motor cycles owned or controlled by such manufacturer or dealer shall, until sold or let for hire or loaned for a period of more than five successive days, be regarded as registered under such general distinguishing number or mark. The fee for every such certificate of registration shall be ten dollars.

Fee for
certificate of
registration.
1903, 473, § 4,
amended.

SECTION 4. Section four of said chapter four hundred and seventy-three is hereby amended by inserting after the word "each", in the twenty-first line, the word: — original, — by inserting after the word "dollars", in the same line, the words: — and the fee for the renewal of each license to operate for hire shall be fifty cents, — and by adding at the end of said section the words: — The provisions of this section shall not prevent the operation of automobiles by unlicensed persons if riding with or accompanied by a licensed chauffeur or operator. The operator's license shall always be carried by the licensee when he is operating an automobile or motor cycle, — so as to read as follows: — *Section 4.* Licenses for operating automobiles and motor cycles shall be issued by the Massachusetts highway commission or duly authorized agents

Licenses to be
issued by the
Massachusetts
highway com-
mission, etc.

thereof. Application shall be made upon blanks prepared by the commission for this purpose, and the licenses issued shall be in such form and shall contain such provisions as said commission may determine. To each licensee shall be assigned some distinguishing number or mark, and a proper record of all applications for license and of all licenses issued shall be kept by the commission at its main office, and shall be open to the inspection of any person during reasonable business hours. Each license shall state the name, place of residence and address of the licensee and the distinguishing number or mark assigned to him. Special licenses for operating automobiles or motor cycles for hire shall be issued by the commission, but no such license shall be issued until the commission or its authorized agent shall have satisfied itself or himself that the applicant is a proper person to receive it. Such licenses shall be granted for one year only. The fee for each original license to operate shall be two dollars, and the fee for the renewal of each license to operate for hire shall be fifty cents. All fees shall be deposited at the time of making the application. The commission may at any time suspend or revoke any license for any misconduct of the licensee. Before a license to operate is granted, the applicant shall pass such examination as to his qualifications as may be required by the state highway commission. The provisions of this section shall not prevent the operation of automobiles by unlicensed persons if riding with or accompanied by a licensed chauffeur or operator. The operator's license shall always be carried by the licensee when he is operating an automobile or motor cycle.

Form of license.

Special licenses.

Term, fee, etc.

Licenses may be revoked, etc.

Applicant to be examined.

Not to prevent the operation of automobiles by unlicensed persons in certain cases, etc.

SECTION 5. Section nine of said chapter four hundred and seventy-three is hereby amended by inserting after the word "license", in the third line, the words:—or certificate,—by striking out the word "section", in the third and fourth lines, and inserting in place thereof the words:—sections two and,—by striking out the word "shall", in the sixth line, and inserting in place thereof the word:—may,—and by striking out all after the word "for", in the eighth line, and inserting in place thereof the following:—a second offence, and not exceeding one hundred dollars for subsequent offences committed during each calendar year; and the penalties imposed for violations of any provision of this act for any calendar year shall be imposed without regard to violations thereof

1903, 473, § 9, amended.

committed in any previous calendar year. Any person convicted of operating an automobile or motor cycle in this Commonwealth after his license to operate has been suspended or revoked, and any person convicted of operating or causing or permitting any other person to operate an automobile or motor cycle after the certificate of registration for such vehicle has been suspended or revoked, shall be punished by a fine not exceeding one hundred dollars or by imprisonment for a term of ten days, or by both such fine and imprisonment, — so as to read as follows: — *Section 9.* The commission may, after due hearing, suspend or revoke a certificate issued under section one of this act, or the license or certificate issued to any person under sections two and four of this act, for any cause which it may deem sufficient; and any person convicted of violating any provision of this act may be punished by a fine not exceeding twenty-five dollars for a first offence, and not exceeding fifty dollars for a second offence, and not exceeding one hundred dollars for subsequent offences committed during each calendar year; and the penalties imposed for violations of any provision of this act for any calendar year shall be imposed without regard to violations thereof committed in any previous calendar year. Any person convicted of operating an automobile or motor cycle in this Commonwealth after his license to operate has been suspended or revoked, and any person convicted of operating or causing or permitting any other person to operate an automobile or motor cycle after the certificate of registration for such vehicle has been suspended or revoked, shall be punished by a fine not exceeding one hundred dollars or by imprisonment for a term of ten days, or by both such fine and imprisonment.

Penalties.

Record of cases of conviction to be kept, etc.

SECTION 6. A full record shall be kept by every court or trial justice in this Commonwealth of every case in which a person is convicted under the provisions of said chapter four hundred and seventy-three or of any other act relative to automobiles or motor cycles, and a certified copy of such record shall be sent forthwith by the court or trial justice to the Massachusetts highway commission. Said courts and trial justices shall furnish to the Massachusetts highway commission the details of any particularly flagrant cases which may be heard before them, and they may make such recommendations to said commission as to the suspension or revocation of the license or cer-

Highway commission to be furnished with details of certain cases, etc.

tificate of registration of the persons defendant in such cases as they may deem necessary. Said commission shall keep such records in its main office, and they shall be open to the inspection of any person during reasonable business hours.

SECTION 7. Section six of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three is hereby repealed.

Repeal.

Approved April 20, 1905.

AN ACT TO AUTHORIZE THE CITY OF NEWBURYPORT TO RAISE MONEY IN EXCESS OF ITS TAX LIMIT FOR FIRE PROTECTION AND FOR USE OF WATER IN PUBLIC BUILDINGS.

Chap. 312

Be it enacted, etc., as follows:

SECTION 1. The city of Newburyport may, for a period of ten years, raise annually, by taxation, in excess of the statutory limit of taxation for said city, a sum not exceeding five thousand dollars, for fire protection and for use of water in public buildings.

City of Newburyport may raise certain sums for fire protection, etc.

SECTION 2. All moneys so raised shall be paid to the board of water commissioners of Newburyport, and shall be expended by them for the maintenance, reconstruction or extension of the Newburyport water works.

To be expended for the maintenance, etc., of the Newburyport water works.

SECTION 3. Nothing in this act shall be construed as permitting the board of water commissioners of Newburyport to expend more than ten thousand dollars for new construction in any one year.

Amount to be expended for new construction in any one year limited.

SECTION 4. This act shall take effect upon its passage.

Approved April 20, 1905.

AN ACT RELATIVE TO VOTING MACHINES, BALLOT BOXES AND COUNTING APPARATUS.

Chap. 313

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter three hundred and sixty-eight of the acts of the year nineteen hundred and three is hereby amended by inserting after the word "expense", in the fifth line, the words:— Such persons shall also give a bond with sufficient sureties, conditioned to defend and indemnify cities and towns purchasing and using voting machines, counting machines or ballot boxes, against any suit at law or in equity, and for any expense, damage or inconvenience which they may incur or suffer

1903, 368, § 3, amended.

Persons of whom voting machines are purchased to give bonds, etc.

Repeal.

R. L. 11, § 273, amended.

Regulations for the use of voting machines, ballot boxes, etc.

by reason of any suit brought against them for infringement of patents, arising from the purchase or use of such machines or ballot boxes, — so as to read as follows: —
Section 3. When voting machines are purchased by a city or town the persons of whom the purchase is made shall give to the city or town clerk a bond with sufficient sureties to keep such machines in working order for two years at their own expense. Such persons shall also give a bond with sufficient sureties, conditioned to defend and indemnify cities and towns purchasing and using voting machines, counting machines or ballot boxes, against any suit at law or in equity, and for any expense, damage or inconvenience which they may incur or suffer by reason of any suit brought against them for infringement of patents, arising from the purchase or use of such machines or ballot boxes. Section two hundred and seventy-two of chapter eleven of the Revised Laws is hereby repealed.

SECTION 2. Chapter eleven of the Revised Laws is hereby amended by striking out section two hundred and seventy-three and inserting in place thereof the following: —*Section 273.* The secretary of the Commonwealth shall make regulations for the use of the machines, ballot boxes and counting apparatus approved by the state board of voting machine examiners, and shall prepare and furnish suitable instructions for the voters in cities and towns in which such machines, ballot boxes and counting apparatus are used.

SECTION 3. This act shall take effect upon its passage.

Approved April 20, 1905.

Chap. 314 AN ACT TO AUTHORIZE THE LAYING OF WATER PIPES OR MAINS IN, UNDER OR OVER THE WATERS OF THE MERRIMAC RIVER.

Be it enacted, etc., as follows:

City of Haverhill may lay water pipes, etc., in, under or over the waters of Merrimac river.

SECTION 1. The city of Haverhill and the board of water commissioners thereof in exercising the powers or discharging the duties conferred and imposed by chapter three hundred and ten of the acts of the year eighteen hundred and eighty-six, and by chapter three hundred and forty-eight of the acts of the year eighteen hundred and ninety-one, and by acts in amendment thereof or in addition thereto, may carry and conduct any aqueduct, conduit, pipe, drain or wire in, under or over the waters of

the Merrimac river by such methods and in such manner as the board of harbor and land commissioners shall approve.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1905.

AN ACT TO PROHIBIT THE ADMISSION OF FOREIGN FRATERNAL BENEFICIARY CORPORATIONS TO DO BUSINESS IN MASSACHUSETTS UNDER A NAME IN USE BY A DOMESTIC CORPORATION OR LIABLE TO BE MISTAKEN THEREFOR.

Chap. 315

Be it enacted, etc., as follows:

No fraternal beneficiary corporation shall be admitted to do business in this Commonwealth under a name in use by a corporation organized under the laws of this state, or under a name so similar thereto as to be liable to be mistaken for it, except with the consent in writing of such corporation. The supreme judicial court and the superior court shall have jurisdiction in equity to enforce the provisions of this act.

Foreign fraternal beneficiary corporations not to do business in Massachusetts under certain names, etc.

Approved April 20, 1905.

AN ACT TO PROHIBIT CERTAIN IMMORAL PRACTICES.

Chap. 316

Be it enacted, etc., as follows:

Section sixteen of chapter two hundred and twelve of the Revised Laws is hereby amended by inserting after the word "child", in the eleventh line, the words: — or of preventing, or which is represented as intended to prevent, pregnancy, — so as to read as follows: — *Section 16.* Whoever knowingly advertises, prints, publishes, distributes or circulates, or knowingly causes to be advertised, printed, published, distributed or circulated, any pamphlet, printed paper, book, newspaper, notice, advertisement or reference, containing words or language giving or conveying any notice, hint or reference to any person, or to the name of any person, real or fictitious, from whom, or to any place, house, shop or office where, any poison, drug, mixture, preparation, medicine or noxious thing, or any instrument or means whatever, or any advice, direction, information or knowledge, may be obtained for the purpose of causing or procuring the miscarriage of a woman pregnant with child or of preventing, or which is represented as intended to prevent, pregnancy,

R. L. 212, § 16, amended.

Penalty for advertising, etc., notice, etc., of means to procure abortion, etc.

shall be punished by imprisonment in the state prison or jail for not more than three years or by a fine of not more than one thousand dollars.

Approved April 21, 1905.

Chap. 317 AN ACT TO PROVIDE FOR GRANTING TO UNNATURALIZED, FOREIGN BORN PERSONS LICENSES TO HUNT.

Be it enacted, etc., as follows:

Unnaturalized, foreign born persons not to hunt unless licensed.

SECTION 1. It shall be unlawful for any unnaturalized, foreign born person to hunt anywhere within the limits of the Commonwealth, unless he is licensed so to do as hereinafter provided.

Licenses to be issued by city and town clerks upon application, etc.

SECTION 2. City and town clerks shall, upon the application of any unnaturalized, foreign born person who is a resident of the city or town in which the application is made, and upon the payment of a fee of fifteen dollars, issue to such person a license, upon a form to be supplied by the commissioners on fisheries and game, bearing the name, age and place of residence of the licensee, with a description of him, as near as may be, and authorizing the said licensee to hunt and to kill game on any lands in which such hunting or killing is not forbidden by law or by written or printed notices posted thereon by the owner, lessee or occupant thereof. Such license shall be good only for that period of the year when game may lawfully be killed, and shall authorize the hunting or killing of game only under such restrictions and for such purposes as are imposed or authorized by law. The said license shall not be transferable, and shall be exhibited upon demand to any of the commissioners on fisheries and game or their deputies, and to any game warden or deputy game warden, and to any sheriff, constable, police officer or other officer qualified to serve process. The fees received for the said licenses shall annually be paid into the treasury of the Commonwealth.

Not transferable, etc.

Licenses to be revoked in certain cases.

SECTION 3. A license granted hereunder shall be revoked by the city or town clerk issuing the same in case the licensee is convicted of a violation of the fish and game laws, or of hunting upon Sunday in violation of law.

Forms to be furnished by commissioners

SECTION 4. It shall be the duty of the commissioners on fisheries and game, upon request by any city or town

clerk, to supply such clerk with license forms prepared in accordance with the provisions of this act. on fisheries and game.

SECTION 5. Whoever violates any provision of this act shall be punished by a fine of not less than ten nor more than fifty dollars. Penalty.
Approved April 21, 1905.

AN ACT RELATIVE TO THE LISTING AND REGISTRATION OF
 VOTERS IN THE CITY OF BOSTON. Chap. 318

Be it enacted, etc., as follows:

SECTION 1. Section thirteen of chapter two hundred and seventy-nine of the acts of the year nineteen hundred and three is hereby amended by striking out the said section and inserting in place thereof the following: — *Section 13.* Whoever in Boston, being an inmate of a building and a male resident twenty years of age or upward, refuses or neglects to give his true name, when asked by a member of the board of police or a police officer acting under this act, or whoever, being an owner or occupant of a building, or a clerk, superintendent, manager or other person having in charge the affairs of a hotel or lodging house, refuses or neglects to give the full and true information within his knowledge relating to all persons residing in such building, when asked by a member of the board of police or a police officer acting under this act, shall be punished by imprisonment for not more than three months. 1903, 279, § 13, amended.
 Penalty for neglect to give information, etc.

SECTION 2. Section four of said chapter two hundred and seventy-nine, as amended by section five of chapter two hundred and forty-five of the acts of the year nineteen hundred and four, is hereby further amended by striking out the word "tenth", in the last line but one of the third paragraph, and inserting in place thereof the word: — twentieth, — so that the paragraph as amended will read as follows: — If the board of police, after investigation, is satisfied that such statements are true, it shall give such applicant a certificate that he was a resident of said city on said first day of May, or a certificate that he became a resident at least six months immediately preceding such election, as the case may be, which certificate shall state his name, age, occupation and residence on the first day of May in the current year or on the above date, as the case may be, and his residence on the 1903, 279, § 4, etc., amended.
 Certificate of residence to be given, etc.

first day of May in the preceding year; but no such application shall be received later than the first day of September, and no such person shall be listed or be given such certificate later than the twentieth day of September.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1905.

Chap.319 AN ACT RELATIVE TO APPEALS TO THE SUPERIOR COURT IN CRIMINAL CASES.

Be it enacted, etc., as follows:

R. L. 219, § 22,
amended.

Appeals in
criminal cases.

Section twenty-two of chapter two hundred and nineteen of the Revised Laws is hereby amended by inserting after the word "court", where it first occurs in the third line, the words:— and at the time of conviction shall be notified of his right to take such appeal,—so as to read as follows:—*Section 22.* Whoever is convicted of a crime before a police, district or municipal court or trial justice may appeal to the superior court, and at the time of conviction shall be notified of his right to take such appeal. The case shall be entered in the superior court on the return day next after the appeal is taken, and the appellant shall be committed to abide the sentence of said court until he recognizes to the Commonwealth, in such sum and with such surety or sureties as the court or trial justice requires, with condition to appear at the superior court on said return day and at any subsequent time to which the case may be continued, if not previously surrendered and discharged, and so from time to time until the final sentence, order or decree of the court thereon, and to abide such final sentence, order or decree, and not depart without leave, and in the meantime to keep the peace and be of good behavior. The appellant shall not be required to advance any fees upon claiming his appeal or in prosecuting the same.

Approved April 21, 1905.

Chap.320 AN ACT TO EXTEND THE AGE FOR COMPULSORY ATTENDANCE IN THE PUBLIC SCHOOLS IN CERTAIN CASES.

Be it enacted, etc., as follows:

R. L. 44, § 1,
amended.

SECTION 1. Section one of chapter forty-four of the Revised Laws is hereby amended by inserting after the

word "age", in the second line, the words: — and every child under sixteen years of age who cannot read at sight and write legibly simple sentences in the English language, — so as to read as follows: — *Section 1.* Every child between seven and fourteen years of age, and every child under sixteen years of age who cannot read at sight and write legibly simple sentences in the English language, shall attend some public day school in the city or town in which he resides during the entire time the public day schools are in session, subject to such exceptions as to children, places of attendance and schools as are provided for in section three of chapter forty-two and sections three, five and six of this chapter. The superintendent of schools or, if there is no superintendent of schools, the school committee, or teachers acting under authority of said superintendent or committee, may excuse cases of necessary absence. The attendance of a child upon a public day school shall not be required if he has attended for a like period of time a private day school approved by the school committee of such city or town in accordance with the provisions of the following section, or if he has been otherwise instructed for a like period of time in the branches of learning required by law to be taught in the public schools, or if he has already acquired such branches of learning, or if his physical or mental condition is such as to render such attendance inexpedient or impracticable. Every person having under his control a child as described in this section shall cause him to attend school as herein required; and if he fails for five day sessions or ten half day sessions within any period of six months while under such control to cause such child, whose physical or mental condition is not such as to render his attendance at school harmful or impracticable, so to attend school, he shall, upon complaint by a truant officer and conviction thereof, be punished by a fine of not more than twenty dollars. Whoever induces or attempts to induce a child to absent himself unlawfully from school, or employs or harbors a child who, while school is in session, is absent unlawfully from school shall be punished by a fine of not more than fifty dollars.

Certain children to attend school.

Penalties.

SECTION 2. This act shall take effect on the first day of January in the year nineteen hundred and six.

When to take effect.

Approved April 21, 1905.

Chap.321 AN ACT TO PROVIDE FOR PUBLISHING STATISTICS RELATIVE
TO THE TRIAL OF CASES IN THE SUPERIOR COURT.

Be it enacted, etc., as follows:

Clerks of
superior court
to make an
annual return
of cases to the
secretary of
the Common-
wealth.

SECTION 1. The clerks of the superior court for the several counties and the clerk of the superior court for civil business in the county of Suffolk shall annually in July make returns for the last preceding year, ending June thirtieth, to the secretary of the Commonwealth, upon suitable blank forms which shall be provided by him, of the number of jury cases, of jury waived cases and of equity suits pending at the beginning of each year; of the number of each of said three classes of cases entered during the year; of the number of cases of each class actually tried during the year; of the number of cases of each class disposed of during the year by agreement of the parties or by order of the court; of the number of cases of each class remaining untried at the end of the year; of the number of cases wherein the verdict of the jury has been set aside by the court on the ground that it was excessive; and of the number of days during which the court has sat in each county for the hearing of each of said three classes of cases.

Secretary to
publish
abstracts, etc.

SECTION 2. The secretary shall annually prepare from said returns abstracts and tabular statements of the facts relative to the same for each county, and shall embody them in his annual report to the general court.

Approved April 21, 1905.

Chap.322 AN ACT TO PROVIDE FOR ADDITIONAL CLERICAL ASSISTANCE
FOR THE TREASURERS OF THE COUNTIES OF ESSEX AND MID-
DLESEX.

Be it enacted, etc., as follows:

Treasurer of
Essex county,
clerical
assistance.

SECTION 1. The treasurer of the county of Essex shall be allowed one thousand dollars for such clerical assistance as may be approved by the county commissioners of the said county.

Treasurer of
Middlesex
county, clerical
assistance.

SECTION 2. The treasurer of the county of Middlesex shall be allowed twelve hundred dollars for such clerical assistance as may be approved by the county commissioners of the said county.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1905.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A SECOND ASSISTANT REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF MIDDLESEX. *Chap.323*

Be it enacted, etc., as follows:

SECTION 1. The judges of probate and insolvency for the county of Middlesex may appoint a second assistant register of probate and insolvency for said county, who shall hold office for three years unless sooner removed by the judges. He shall receive an annual salary of twenty-three hundred dollars, to be paid from the treasury of the Commonwealth, but in all other respects he shall be subject to the provisions of the Revised Laws and of all acts in amendment thereof or in addition thereto relative to assistant registers of probate and insolvency. The signing of the name of said second assistant register, followed by the designation, — Assistant Register, — shall be a sufficient official signature.

Second assistant register of probate, etc., Middlesex county, appointment, salary, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1905.

AN ACT RELATIVE TO TRUSTEE PROCESS.

Chap.324

Be it enacted, etc., as follows:

When a common carrier, summoned as trustee in an action at law, has in his or its possession goods shipped by or consigned to a defendant in such action, such carrier, in the absence of collusion or fraud on his or its part, shall not be held liable to the owner or consignee by reason of his or its failure to transport and to deliver said goods until the attachment is dissolved or the carrier is discharged as trustee.

Common carrier not to be held liable in certain cases.

Approved April 21, 1905.

AN ACT RELATIVE TO THE REDEMPTION OF LAND TAKEN OR SOLD FOR THE PAYMENT OF TAXES. *Chap.325*

Be it enacted, etc., as follows:

SECTION 1. The first paragraph of section fifty-eight of chapter thirteen of the Revised Laws is hereby amended by striking out the words "with ten per cent interest thereon, and", in the seventh line, and by inserting after the word "fees", in the eighth line, the words:— and interest on the whole at the rate of eight per cent per

R. L. 13, § 58, paragraph 1, amended.

annum, — by striking out the words “with ten per cent interest thereon”, in the ninth and tenth lines, and by inserting after the word “him”, in the tenth line, the words: — and interest on the whole at the rate of eight per cent per annum, — by striking out the words “not more than three dollars”, in the eleventh line, and by striking out the words “for a deed of release and for the”, in the twelfth line, and inserting in place thereof the words: — and for a deed of release not more than three dollars in the aggregate; and in addition thereto the actual, — so that said paragraph will read as follows: — *Section 58.* The owner of land taken or sold for payment of taxes, including those assessed under the provisions of sections sixteen, seventeen and eighteen of chapter twelve, or his heirs or assigns, may, within two years after the taking or sale, redeem the same by paying or tendering to the collector, if the estate has been taken or purchased by the city or town, the amount of the tax, all intervening taxes, charges and fees, and interest on the whole at the rate of eight per cent per annum; or by paying or tendering to the purchaser, or his legal representatives or assigns, the original sum and intervening taxes paid by him and interest on the whole at the rate of eight per cent per annum. In each case he shall also pay for examination of the title and for a deed of release not more than three dollars in the aggregate; and in addition thereto the actual cost of recording the tax deed or evidence of taking, and shall be credited with any rents and profits received by the purchaser.

Land taken or sold for payment of taxes may be redeemed within two years.

R. L. 13, § 61, etc., amended

SECTION 2. Section sixty-one of said chapter thirteen, as amended by section one of chapter four hundred and forty-three of the acts of the year nineteen hundred and two, is hereby amended by striking out the word “ten”, in the fifteenth line, and inserting in place thereof the word: — eight, — so as to read as follows: — *Section 61.* Said collector shall receive any money so paid and give to the person paying it a certificate specifying the amount paid, the name of the person to whom and the real estate on which the tax was originally assessed, and the registry of deeds and the book and page of the records therein where the collector’s deed is recorded; and the recording of the certificate in said registry shall extinguish all right and title acquired under the collector’s deed. The collector shall on demand pay over all money so paid, to the

Disposition of money received, etc.

person entitled thereto as determined by him, except that he shall retain one dollar to be accounted for for the use of the city or town, and if the amount so paid is less than the purchaser was entitled to, the balance with interest at eight per cent per annum may after demand therefor be recovered by said purchaser against the person paying such amount, in an action of contract, if such action is commenced within three months after such payment to the collector.

SECTION 3. Section seventy-five of said chapter thirteen is hereby amended by striking out the word "five", in the third line, and inserting in place thereof the word: — six, — so as to read as follows: — *Section 75.* The supreme judicial court and the superior court shall have jurisdiction in equity in all cases of taking or sale of land for the payment of taxes if relief is sought within six years after the taking or sale.

R. L. 13, § 75, amended.

Jurisdiction in equity.

Approved April 21, 1905.

AN ACT RELATIVE TO THE SETTLEMENT OF CERTAIN TRUST ESTATES. *Chap. 326*

Be it enacted, etc., as follows:

SECTION 1. If a trustee appointed under a will by a probate court of the Commonwealth holds trust estate the final disposition of which depends upon the death of a beneficiary, hereinafter called the absentee, who has disappeared, absconded or is absent from the Commonwealth, or has disappeared or absconded from the place without the Commonwealth where he was last known to be, and has no known agent in the Commonwealth, and it is not known by the petitioner where he is, and the date of such disappearance or absconding and of the time when it was last known by the petitioner where he was and when he was last heard from or heard of shall have been more than fourteen years before the filing of the hereinafter described petition, such trustee, or any person who would be interested in the trust estate or any portion thereof, if such absentee were dead, may file a petition under oath in the probate court for the county in which such trustee was appointed, stating to the best of the knowledge and belief of the petitioner the name, age, last known occupation, last known residence and address and last place where he was known to be, of such absentee, the date and

Certain persons may file petition for the transfer of trust estate of absentee in certain cases.

Certain persons may file petition for the transfer of trust estate of absentee in certain cases.

circumstances of his disappearance or absconding, and the names and residences of his wife, children and issue at the time of his disappearance or since, and of those who would have been his heirs at law and next of kin if he had died at the time of filing the petition, and the names and residence of the family of such absentee, and of other persons of whom inquiry may be made, and containing a schedule or statement of such trust estate, real and personal, so far as the same is known, and the names and residence, so far as they are known, of the persons who would be entitled to the trust estate if said absentee had died intestate within this Commonwealth on the day fourteen years after the date of his disappearance. Such petition shall contain, as parties, the name of such trustee and of such absentee and the names and residences, so far as they may be known to the petitioner, of the persons who would be entitled to the trust estate if such absentee had died intestate within this Commonwealth on the day fourteen years after the date of his disappearance, and of the persons who under his will or otherwise would be entitled to the trust estate if he had then died, and the description of the class of persons, if their names or existence are unknown, who might be entitled as aforesaid, and all persons whom it may concern, excepting however any of such persons or parties who are petitioners, — and shall pray that the trust estate, both principal and any accumulations from unpaid income or otherwise, shall be transferred to the persons as trustees who would be entitled to such trust estate if such absentee had died within this Commonwealth on the day fourteen years after the date of his disappearance, and in the proportions to which each would be entitled.

Notice to be issued or subpoena served, etc.

SECTION 2. If the petition shall be brought by such trustee, the court shall issue a notice as hereinafter provided. If it shall be brought by a person other than the trustee, a subpoena shall be served upon the trustee as required by law in equity suits, and upon proof of the existence of such trust estate as aforesaid by answer of such trustee or otherwise, which answer shall be filed within one month after the return day of such subpoena and shall set forth a schedule or statement of such trust estate, the court shall issue a notice as hereinafter provided. The notice issued by the court shall recite the substance of the petition, and shall be addressed to such

absentee and to all persons who claim an interest in said trust estate, and to all whom it may concern, and to all the persons and classes of persons named as respondents in the petition, citing them to appear at a time and place named and show cause why said estate should not be held and disposed of under the provisions of this act.

SECTION 3. The return day of said notice shall be not less than six months after the date of such order. The court shall order a copy of said notice to be served on all of said parties who may reside within the Commonwealth, within sixty days after the date of such notice. Said notice shall be published in one or more newspapers within the Commonwealth, and also, if within the United States, in one or more newspapers, if any such there be, in the city or town, or in the county, in case there is no newspaper published in such city or town, in which the absentee last resided or was known to have last been, either temporarily or permanently. Such publication shall be at least once in each of three successive weeks, within thirty days after the date of the order in such newspaper or newspapers published within the Commonwealth, and within sixty days after the date of the order in such newspaper or newspapers published without the Commonwealth, and a copy of the notice shall be mailed within thirty days after the date of the order to the last known address of such absentee. The court may order other and further notice to be given within or without the Commonwealth. Proof of such service shall be made by affidavit, or in such other manner as the court may order.

Return day,
service and
publication of
notice.

SECTION 4. The respondents and the absentee and any person, whether named in the petition or notice or not, who claims an interest in any of the estate may appear and show cause why the prayer of the petition should not be granted, and may appear and file an answer on or before the return day or within such further time as the court may allow. By the description in the notice, "to all whom it may concern", all the world are made parties defendant and shall be concluded by the order or decree.

Certain persons may
appear and
file an answer,
etc.

SECTION 5. The court may appoint a suitable person or persons to appear and act in said proceedings as guardian ad litem for minors and for all persons and classes or descriptions of persons under disability or not ascertained or unknown or not in being or out of the Com-

Guardians ad
litem may be
appointed, etc.

monwealth, and who under the provisions of the will in regard to said trust estate or otherwise may be or may become interested in said trust estate, and the court shall appoint a suitable person to appear and act therein as guardian ad litem of said absentee. An order or decree in such proceedings, made after such appointment, shall be conclusive upon all persons for whom such guardian ad litem was appointed.

Court to find certain facts and to order transfer of trust estate in certain cases, etc.

SECTION 6. The court shall find the date of the disappearance or absconding of the absentee, and any other material facts. If the court shall find that such disappearance has been continuous for more than fourteen years next preceding the filing of the petition, and that upon the evidence presented the absentee has not been heard from or known of within such fourteen years, and that the facts found warrant a presumption of death, the court shall order the trust estate to be transferred to the persons as trustees to whom, and at the time or times and in the shares and proportions in which, it would under the provisions of the trust of said property as set forth in the will, be distributed if said absentee had died within this Commonwealth on the day fourteen years after the date of the disappearance or absconding, as found and recorded by the court. And by such order all the right, title and interest of said absentee in said trust estate and of all other persons, except those to whom as trustees said trust estate is to be turned over and paid in pursuance of said order, shall, as against the said trustee appointed under the will by the probate court, be barred, and no action, suit or petition in any form shall be begun by, or for the benefit of, such absentee or such other persons against the said trustee for or on account of said trust estate or its proceeds; and the court may authorize the trustee to sell at public or private sale the said trust estate or any part thereof and to convert it into money in order to make transfer thereof as aforesaid.

Court may authorize sale of trust estate, etc.

New trustees to give bond for the payment of fund to persons lawfully entitled thereto, etc.

SECTION 7. Upon the transfer in pursuance of such decree to each of such new trustees of his portion of the trust estate or fund, he shall give a bond to be filed in the court in said case, in such sum and with or without sureties as the court may order, to the judge of said court and his successors in said office and with condition substantially that he will pay and deliver to such absentee, if living, or to any persons claiming under him, as his

heirs at law or as named in his will as the recipient of such trust estate under the exercise of any power of appointment by the said absentee or persons otherwise claiming the fund, the fund which such trustee has received, with the accumulations thereof, if any, less reasonable disbursements and compensation, if in the suit on said bond such absentee or other person shall be found to be lawfully entitled to said trust estate or fund; and such bond may be put in suit by such absentee or other persons for his or their own benefit. In every action on such bond the writ shall be indorsed by the persons for whose benefit or at whose request the action is brought or by their attorney, and the indorsers shall be liable for the costs of the suit, and execution therefor shall be issued against them and not against the judge of said court.

Writ to be indorsed by certain persons in action on bond, etc.

SECTION 8. Such new trustee so to be appointed as aforesaid shall be liable only for gross negligence, and shall have full power in his discretion to invest and reinvest the trust fund or estate delivered to him and to sell real and personal estate at public auction or private sale and to execute such instruments as may be necessary to transfer the title thereto, and no purchaser shall be obliged to see to the application of the purchase money. If such new trustee shall die before the expiration of the six years hereinafter named, his executor or administrator shall be liable as such on the bond herein required.

Liability and powers of new trustee.

SECTION 9. After the expiration of six years after the filing of said bond by said trustee no action, suit or petition in any form shall be brought against such new trustee on said bond or otherwise by said absentee or person claiming under him or otherwise claiming the estate in the hands of such new trustee.

No suit, etc., to be brought against new trustee after six years.

SECTION 10. This act shall apply to existing trusts heretofore established as well as to trusts hereafter established.

To apply to trusts now existing or hereafter established.

SECTION 11. If during the continuance or upon the termination of a trust under a will or written instrument one of the beneficiaries, hereinafter called the absentee, has disappeared, absconded, or is absent from the Commonwealth, or has disappeared or absconded from the place without the Commonwealth where he was last known to be, and has no known agent in the Commonwealth, and it is not known by the petitioner where he is, and the date of such disappearance or absconding, and of the time when

Trust estates may be distributed to known beneficiaries in certain cases, etc.

it was last known by the petitioner where he was and when he was last heard from or heard of, shall have been more than fourteen years before the filing of the petition herein provided for, the trustee may pay the income or distribute the trust estate to the known beneficiaries in the proportions to which they would be entitled if such absentee was present in this Commonwealth, and as to the remaining part to which such absentee would be entitled if present, such trustee or any person who would be interested in the share of such absentee if he were dead, may take like proceedings with reference to such share as are hereinbefore provided for in cases where the final disposition of the trust estate depends upon the death of an absent beneficiary.

Where petition shall be brought.

SECTION 12. In cases brought under the preceding section the petition if brought on account of a trust under a will, shall be in the probate court for the county in which the trustee was appointed; and if brought on account of a trust under a written instrument, shall be brought in the probate court of any county in which any of the parties interested in the trust reside or in which any of the land held in trust is situated. If any probate court has assumed jurisdiction of the trust, the petition shall be brought in that court.

Court may decree that income shall be paid to certain persons.

SECTION 13. The court may at any time during the continuance of the trust on like petition and other proceedings as herein provided, decree that any income then accrued or thereafter accruing for the benefit of such absentee shall be paid to the persons as trustees to whom, and at the time or times and in the shares and proportions in which, it would be distributed if said absentee had died on the day fourteen years after the date of the disappearance or absconding, as found and recorded by the court.

SECTION 14. This act shall take effect upon its passage.

Approved April 21, 1905.

Chap. 327 AN ACT TO ESTABLISH A HARBOR LINE ON THE NORTHERLY SIDE OF MERRIMAC RIVER BELOW CITY LANDING NUMBER TEN IN THE CITY OF HAVERHILL.

Be it enacted, etc., as follows:

Harbor line on Merrimac river in Haverhill established.

SECTION 1. The following described line on the northerly side of Merrimac river in the city of Haverhill is hereby established as a harbor line beyond which no

wharf, pier or other structure shall be extended into or over the tide waters of said river:— Beginning at an angle in the present harbor line established by chapter three hundred and thirteen of the acts of the year nineteen hundred and two at a point in the easterly line of city landing number ten, one hundred eighty-two and five tenths feet southwesterly from a stone bound at the intersection of said easterly line with the southerly line of Water street; thence easterly about seven hundred and three feet to a point one hundred and seventy feet southerly from the northerly line of Water street, measuring at right angles with said line from a point sixty feet westerly from the northwesterly corner of Water and Lindel streets; thence easterly, more southerly, in a straight line about seven hundred and forty-two feet to a point two hundred and thirty-one feet southerly from the northerly line of Water street, measuring at right angles with said line from a point one hundred and five feet westerly from the northwesterly corner of Water street and Came avenue; thence southeasterly about five hundred and ninety-five feet to a point in the extension of the southeasterly line of Eastern avenue one hundred and seventy-two feet southwesterly from the northeasterly corner of Water street and Eastern avenue; thence southeasterly, more southerly, in a straight line about three hundred and forty-four feet to a point one hundred and thirty-three feet southwesterly from the northeasterly line of Water street, measuring at right angles with said line from a point four hundred and ten feet southeasterly from the northwesterly corner of Water street and Eastern avenue; thence southeasterly, still more southerly, in a straight line about seven hundred and seventy-eight feet to a point in the extension of the northerly line of Buttonwoods avenue one hundred and thirty-two feet southwesterly from the northwesterly corner of said avenue and Water street.

Harbor line on Merrimac river in Haverhill established.

SECTION 2. That part of the harbor line on said river below city landing number ten established by chapter three hundred and thirteen of the acts of the year nineteen hundred and two is hereby superseded.

That part of harbor line established by 1902, 313, superseded.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1905.

Chap.328 AN ACT TO PROVIDE FOR THE OBSERVANCE OF THE BIRTHDAY
OF ABRAHAM LINCOLN.

Be it enacted, etc., as follows:

Birthday of
Abraham
Lincoln to be
observed.

SECTION 1. The governor shall annually issue a proclamation setting apart the twelfth day of February as Lincoln Day, and recommending that it be observed by the people with appropriate exercises in the public schools and otherwise, as he may see fit, to the end that the memory of the public service and private virtues of Abraham Lincoln may be perpetuated in the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1905.

Chap.329 AN ACT RELATIVE TO SEWERAGE EXPENSES, ASSESSMENTS AND
CHARGES AND TO THE POWERS OF THE SEWER COMMISSION-
ERS IN THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

City of Taun-
ton, system of
sewers, etc.

SECTION 1. The provisions of this act shall be deemed to have been enacted in view of the system of sewers and the system of sewage disposal which were adopted by the city of Taunton on the fourteenth day of August, eighteen hundred and ninety-seven, pursuant to the authority contained in chapter two hundred and nineteen of the acts of the year eighteen hundred and ninety-five, and chapter two hundred and sixty-eight of the acts of the year eighteen hundred and ninety-seven, and in view of the territory to which said systems apply and the conditions therein.

Payment of
cost.

SECTION 2. The total cost of laying, making, maintaining and repairing the sewers of said system of sewers shall be borne and paid as hereinafter provided.

Owners of
certain lands
to be assessed,
etc.

SECTION 3. The sewer commissioners of said city shall assess the owners of land hereinafter described within the territory embraced by said system of sewers, by a fixed uniform rate based upon one third of the estimated average cost of all the sewers of said system. In making such estimate the cost of sewers in said territory which were built prior to the adoption of said system, but which have been made or are to be made a part thereof, shall be taken to be their fair value. Such assessments shall be made as aforesaid according to the frontage of land in said terri-

tory on a street or way in which the trunk sewer of said system is constructed, or in which there is a common sewer, directly or indirectly connected with said trunk sewer, whether such sewer was built prior or subsequent to August fourteen, eighteen hundred and ninety-seven, and according to the area of such land within a fixed depth from such street or way; but no assessment in respect to any such land which, by reason of its grade or level or any other cause, cannot be drained into such sewer, shall be made until such incapacity is removed; and in cases of corner lots and lots abutting on more than one sewered street or way, the same area shall not be assessed more than once. The lien hereinafter provided for shall attach to the parcel assessed. If payment has been made of any prior assessment or change imposed in respect to any such land on account of any common sewer of said system, an allowance shall be made for such payment, and the owner shall be assessed for the balance only. Said sewer commissioners shall certify all assessments made under this section to the collector of taxes of said city for collection. After receiving an assessment list the collector shall forthwith send notice to each person assessed of the amount of his assessment, in like manner as notices of taxes are sent.

Allowance to be made for certain payments, etc.

SECTION 4. Assessments made under the preceding section shall bear interest at the rate of six per cent per annum, from the thirtieth day after they become due until paid, and the accruing interest shall be added to and be a part of such assessments. If the owner of land, within thirty days after notice of an assessment thereon, gives the assessors written notice to apportion the same, they shall apportion it into such number of equal parts, not exceeding fifteen, as the owner shall in said notice require. The assessors shall add one of said parts with interest at the rate of five per cent per annum from the date of apportionment to the annual tax of said land for each year next ensuing until all parts have so been added, unless sooner paid as hereinafter provided. Such assessments shall constitute a lien on the land, and such lien shall continue for two years after the assessments have been committed to the collector, or if they are to be paid by instalments, for two years after the last instalment has been committed to the collector, unless sooner paid. Any balance of said assessments remaining unpaid may be paid at any one

Assessments may be apportioned, etc.

To constitute a lien, etc.

Collection of assessments, etc.

time, notwithstanding a prior apportionment, but interest on such balance at the rate of five per cent per annum shall be paid to the date of such payment. Demand for the payment of assessments shall be made in like manner as demands for the payment of taxes, and sales for the non-payment of assessments and all proceedings connected therewith shall be made upon the same notices thereof, and shall be otherwise conducted in the same manner as sales for non-payment of taxes. All proceedings subsequent to such sales, relative to redemption, the purchase and holding of the land by the city, the interest to be paid in case of redemption, and otherwise shall be the same as when the land is sold for taxes. Assessments may also be collected by an action of contract in the name of the city, brought within two years after the same have become due and payable.

May be collected by an action of contract.

Persons aggrieved may apply for a jury, etc.

SECTION 5. Any person aggrieved by an assessment made under section three of this act may at any time within three months after receiving notice thereof apply for a jury to revise the same. Such application shall be made in like manner and the proceedings thereon shall be the same as in the case of land taken for laying out highways; but before making his application the applicant shall give fourteen days' notice in writing of his intention so to do to said sewer commissioners, and shall therein particularly specify his objection to the assessment, to which specification he shall be confined before the jury. The commissioners on receipt of every such notice shall notify the collector of taxes.

Part of cost to be paid by city, etc.

SECTION 6. So much of the cost specified in section three of this act as is not realized by assessments made as hereinbefore provided, shall be borne and paid by said city. Receipts from said assessments shall be applied to sinking funds for the extinguishment of indebtedness incurred for laying and making the sewers of said system of sewers.

Part of cost to be paid from annual charges, etc.

SECTION 7. One third of the cost of maintaining and repairing the sewers of said system of sewers and of constructing, maintaining and operating said system of sewage disposal shall be paid, so far as may be, from annual charges for the use of the sewers of said system of sewers to be established and collected as hereinafter provided. The remaining cost shall be paid by said city and shall be raised by general taxation.

Sewer commissioners to establish annual charges, etc.

SECTION 8. Said sewer commissioners shall establish just and equitable annual charges, which they may change

from time to time, to be paid for the use of the sewers of said system of sewers by every person or owner of an estate who enters his particular sewer into the trunk sewer of said system or into any common sewer directly or indirectly connected with said trunk sewer; but, in cases where the sewer commissioners shall deem it to be equitable, a discount may be made by them. Such charges shall be collected semi-annually or annually, and to that end said sewer commissioners shall semi-annually or annually certify the same to the collector of taxes of said city. Upon receipt of a list of charges, the collector shall forthwith send notice to each person charged of the amount of his charges in like manner as notices of taxes are sent. Said charges shall bear interest at a rate not exceeding six per cent per annum from the thirtieth day after they become due until paid. The accruing interest shall be added to and be a part of such charges. The charges shall constitute a lien on the real estate using the sewer, and the lien shall continue for two years after the charges have been committed to the collector of taxes. Demand for the payment of charges shall be made in like manner as demands for the payment of taxes, and sales for the non-payment of charges and all proceedings connected therewith shall be made upon the same notices thereof, and shall be otherwise conducted in the same manner as sales for non-payment of taxes. All proceedings subsequent to such sales, relative to redemption, the purchase and holding of the land by the city, the interest to be paid in case of redemption, and otherwise, shall be the same as when the land is sold for taxes. Said charges may also be collected by an action of contract in the name of the city, brought within two years after the same have become due and payable. Any person who is aggrieved by an annual charge established as aforesaid may, within three months thereafter, file a petition in the superior court for the county of Bristol asking for a revision of the same; and thereupon the case shall be heard by a single justice, and the annual charge established as aforesaid shall be modified or confirmed, and such decision shall be final and conclusive.

Collection of charges.

To constitute a lien, etc.

Collection of charges.

May be collected by an action of contract.

Persons aggrieved may petition for revision, etc.

Receipts from charges to be applied to certain payments, etc.

SECTION 9. The receipts from charges made under the preceding section shall be applied, first to the payment of one third of the expenses for and incident to maintaining and repairing said system of sewers and of maintaining, repairing and operating said system of sewage

City to appropriate sum sufficient to meet deficiency.

disposal, and then to the sinking fund requirements for the extinguishment of indebtedness incurred for the construction of said system of sewage disposal. If the receipts from such charges shall be insufficient in any year to pay one third of the expense of maintenance, repair and operation as aforesaid, and one third of said sinking fund requirements as aforesaid, the city council of said city shall appropriate a sufficient sum to meet the deficiency.

1895, 219, § 3, etc., amended.

SECTION 10. Section three of chapter two hundred and nineteen of the acts of the year eighteen hundred and ninety-five, as amended by section one of chapter one hundred and sixty-four of the acts of the year eighteen hundred and ninety-eight, is hereby further amended by striking out the words "city council", in the last line of said section, and inserting in place thereof the words: — said commissioners.

1895, 219, § 4, amended.

Contracts.

SECTION 11. Said chapter two hundred and nineteen is hereby further amended by striking out section four and inserting in place thereof the following: — *Section 4.* All contracts made by said commissioners shall be made in the name of the city; but no contracts shall be made or obligations incurred by the commissioners for any purpose in excess of the amount appropriated by the city council therefor. The compensation of the commissioners shall be fixed by the city council. Any vacancy in said board of commissioners shall be filled by appointment by the mayor, subject to confirmation or rejection by the board of aldermen. Said commissioners shall be subject to removal by the mayor for cause.

Commissioners, compensation, vacancy, etc.

Certain provisions of law to apply.

SECTION 12. The provisions of chapter forty-nine of the Revised Laws, and of chapter two hundred and nineteen of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof and in addition thereto, so far as they are applicable and not inconsistent with this act, shall apply in the carrying out of the provisions of this act.

Repeal.

SECTION 13. Chapter three hundred and eighty-four of the acts of the year nineteen hundred and four is hereby repealed.

When to take effect.

SECTION 14. This act shall be submitted to the city council of the city of Taunton within two months after its passage, and shall take effect only upon its acceptance by the city council with the approval of the mayor.

Approved April 25, 1905.

AN ACT TO REQUIRE THE KEEPING OF RECORDS BY CERTAIN HOSPITALS. *Chap.330*

Be it enacted, etc., as follows:

SECTION 1. Hospitals supported in whole or in part by contributions from the Commonwealth or from any municipality, incorporated hospitals offering treatment to patients free of charge, and incorporated hospitals conducted as public charities, shall keep records of the cases under their care and the history of the same in books kept for that purpose.

Certain hospitals to keep records of cases, etc.

SECTION 2. Such records shall be in the custody of the person in charge of the hospital, and shall be admissible as evidence in the courts of the Commonwealth as to all matters therein contained.

Custody, etc., of records.

SECTION 3. Section seventeen of chapter thirty-five of the Revised Laws shall not apply to such records, and they shall not be open to public inspection until they are produced in court by the person having the custody of the same.

Certain provisions of law not to apply, etc.

Approved April 25, 1905.

AN ACT RELATIVE TO RESERVES OF TRUST COMPANIES. *Chap.331*

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and seventy-four of the acts of the year nineteen hundred and four is hereby amended by striking out section seven and inserting in place thereof the following: — *Section 7.* Every trust company doing business within the Commonwealth shall at all times have on hand as a reserve an amount equal to at least fifteen per cent of the aggregate amount of its deposits, which are subject to withdrawal upon demand or within ten days. Not less than one third of such reserve shall consist either of lawful money of the United States, gold certificates, silver certificates, or notes and bills issued by any lawfully organized national banking association, and not less than one half of the remainder of such reserve may consist of balances, payable on demand, due from any national banking association doing business either in this Commonwealth or in the cities of New York, Philadelphia, Chicago, or Albany in the state of New York, and the balance of said remainder may consist of bonds of the United States or of this Com-

1904, 374, § 7, amended.

Trust companies to have on hand a certain amount as a reserve, etc.

Not to make new loans if reserve is less than certain amount.

Receivers may be appointed in certain cases.

monwealth computed at their par value, which are the absolute property of such corporation. If such reserve is at any time less than the amount aforesaid the trust company shall not make any new loans until the required proportion between the aggregate amount of its deposits and reserves shall be restored. The board of commissioners of savings banks may notify any trust company whose reserve shall be below the amount required to be kept on hand, to make good such reserve, and if such trust company shall fail for sixty days thereafter so to make good such reserve, the commissioners may apply to a justice of the supreme judicial court to appoint one or more receivers to take possession of the property and effects of said trust company and to close up its business, subject to such directions as may from time to time be prescribed by the court or by a justice thereof.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1905.

Chap.332 AN ACT TO PROVIDE ADDITIONAL CLERICAL ASSISTANCE FOR THE TREASURER OF THE COUNTY OF NORFOLK.

Be it enacted, etc., as follows:

Treasurer of Norfolk county, clerical assistance.

SECTION 1. The treasurer of the county of Norfolk shall annually be allowed from the treasury of the county the sum of four hundred dollars for clerical assistance.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1905.

Chap.333 AN ACT TO AUTHORIZE THE TOWN OF WEST SPRINGFIELD TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

West Springfield Water Loan, Act of 1905.

SECTION 1. The town of West Springfield, for the purpose of renewing and extending its water works system, may issue from time to time bonds, notes or scrip to an amount not exceeding fifty thousand dollars. Such bonds, notes or scrip shall bear on the face thereof the words, West Springfield Water Loan, Act of 1905, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and counter-

signed by the water commissioners of the town. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it deems proper: *provided*, that such securities shall not be sold for less than the par value thereof.

Proviso.

SECTION 2. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws. Said town shall also raise annually by taxation a sum which, with the income derived from water rates, will be sufficient to pay the interest as it accrues on the bonds, notes or scrip issued by said town under the authority of this act.

Payment of loan.

Town to raise a certain sum by taxation annually.

SECTION 3. The proceeds of the sale or pledge of said bonds, notes or scrip may be used by said town for the construction of works for the extension and improvement of its sources of water supply, and for paying for any lands, easements and rights of way, and the waters of any pond, stream or spring, or artesian or driven well, which shall, in the opinion of the state board of health, after notice and a hearing, be necessary for the protection of the purity of the sources of water supply now or hereafter used by said town; and said town may take by purchase or otherwise and hold for said purposes any such lands, easements and rights of way, or the waters of any pond, stream or spring, or artesian or driven well, whether within or without the town. Such taking shall be in the manner provided by chapter two hundred and six of the acts of the year eighteen hundred and ninety-three, and said town shall be liable for all damages sustained by any person or corporation in their property by reason of any such taking in the manner provided in said act.

Proceeds of sale of bonds, etc., may be used for construction of water works, etc.

Town may take certain lands, etc.

SECTION 4. This act shall take effect upon its passage.

Approved April 25, 1905.

Chap. 334 AN ACT TO INCORPORATE THE SECURITY LOAN ASSOCIATION.

Be it enacted, etc., as follows:

Security Loan
Association
incorporated.

SECTION 1. William T. Gartland, Charles H. Waldron, Robert C. Murray, John J. Howard, James F. Morgan, Frank A. Goodwin and John M. Smith, their associates and successors, are hereby made a corporation by the name of the Security Loan Association, to be located in Boston, for the purpose of loaning money upon pledge or mortgage of goods and chattels or of safe securities of any kind; and all the powers and privileges necessary for the execution of these purposes are hereby granted, and said corporation shall also have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in chapter one hundred and nine of the Revised Laws and in all general laws now or hereafter in force relating to such corporations.

Capital stock.

SECTION 2. The capital stock of said corporation shall be one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, and to be paid for at such times and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by said corporation until said amount of one hundred and fifty thousand dollars is subscribed for and actually paid in; and no certificate of shares shall be issued until the par value of such shares shall have actually been paid in in cash. The said corporation may increase its capital stock from time to time until the same amounts to three hundred thousand dollars.

Proviso.

May borrow
on its own
notes.

SECTION 3. Said corporation is hereby authorized to borrow money on its own notes, not exceeding the amount of its capital paid in and for periods not exceeding one year.

Government.

Proviso.

SECTION 4. The government of said corporation shall be vested in a board of directors, chosen as the by-laws may prescribe, conformably to law: *provided, however*, that one director shall be appointed by the governor of the Commonwealth and one shall be appointed by the mayor of the city of Boston; and the board thus constituted shall elect one of their number president, and such officers as may be deemed necessary. The compensation of the directors appointed by the governor and mayor for

their services and attendance at the meetings shall be paid by said corporation.

SECTION 5. When said corporation has disposable funds it shall loan on all goods and chattels offered, embraced within its rules and regulations, in the order in which they are offered, with the exception that it may always discriminate in favor of small loans to the indigent. Loans.

SECTION 6. All loans shall be for a time fixed and for not more than one year, and the mortgagor or pledgor shall have a right to redeem his property mortgaged or pledged, at any time before it is sold, in pursuance of the contract between the parties, or before the right of redemption is foreclosed, on payment of the loan and rate of compensation to the time of the offer to redeem. No charges shall be made for a preliminary examination when a loan is not made, nor for the examination of property offered at the office of the association for pledge. Duration of loans, right of redemption of property, etc.

SECTION 7. The corporation shall give to each pledgor a card inscribed with the name of the corporation and of the article or articles pledged, the name of the pledgor, the amount of the loan, the rate of compensation, the date when made, the date when payable, the page of the book where recorded, and a copy of sections eight and nine of this act. Pledgor to be given certificate, etc.

SECTION 8. Property pledged to the corporation shall be held one year, unless sooner redeemed, and if not redeemed within one year after the date of the loan shall be sold at public auction, and the net surplus after paying the loan, charges and expenses shall be held one year for the owner. All auction sales shall be advertised for at least one week in two daily newspapers published in Boston. In case a savings bank deposit book pledged to the association shall not be redeemed as above provided, it shall not be necessary for the association to sell the same at public auction, but it may convert the same, or so much thereof as may be necessary to pay the debt, in such mode and at such time as in the judgment of the directors will best promote the interest of all parties, and the corporation shall hold the net surplus for one year for the owner. Certain unredeemed property to be sold at public auction.

SECTION 9. Said corporation shall in no case charge interest at a rate exceeding one and one half per cent per month. Interest.

Commissioners of savings banks to have access to vaults, etc.

Form of returns to be made to commissioners of savings banks, etc.

SECTION 10. The commissioners of savings banks shall have access to the vaults, books and papers of the corporation, and it shall be their duty to inspect, examine and inquire into its affairs and to take proceedings in regard to them, in the same manner and to the same extent as if said corporation were a savings bank, subject to all general laws now or hereafter in force relating to such institutions in this regard. The returns required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets, stating the amounts of each kind, together with such other information as may be called for by said commissioners, in accordance with a blank form to be furnished by them; and these returns shall be printed at the expense of said corporation in a newspaper of general circulation published in the city of Boston, at such times and in such manner as may be directed by said commissioners, and also in the annual report of said commissioners. The said commissioners may cause any examination of the affairs of the said corporation to be made by an expert, under their direction, but at the expense of the corporation.

SECTION 11. This act shall take effect upon its passage.

Approved April 26, 1905.

Chap. 335 AN ACT TO AUTHORIZE THE GREAT BARRINGTON FIRE DISTRICT TO INCREASE ITS WATER SUPPLY.

Be it enacted, etc., as follows:

1902, 245, § 2, amended.

The Great Barrington Fire District may take certain lands, etc.

May erect structures, lay pipes, etc.

SECTION 1. Chapter two hundred and forty-five of the acts of the year nineteen hundred and two is hereby amended by striking out section two and inserting in place thereof the following:—*Section 2.* Said fire district, for the purposes aforesaid, may take, by purchase or otherwise, all lands, rights of way and easements necessary for holding, storing, purifying and preserving the water used by the fire district under the provisions of this act, and for conveying the same to any part of said town; may erect on lands thus taken or held proper dams, reservoirs, buildings, fixtures and other structures; may make excavations, procure and operate machinery and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective

water works; may construct and lay conduits, pipes and other works, under and over any lands, water courses, railroads, railways and public or private ways, and along any such way in such manner as not unnecessarily to obstruct the same; and, for the purpose of constructing, maintaining and repairing such conduits, pipes and other works and for all other purposes of this act, said fire district may dig up any such lands, and, under the direction of the selectmen of the town in which such ways are situated, may enter upon and dig up such ways in such manner as to cause the least hindrance to public travel. The title to all land taken or purchased under the provisions of this act shall vest in said Great Barrington Fire District, and the land so taken may be managed, improved and controlled by the board of water commissioners of said fire district in such manner as they shall deem for the best interests of the fire district.

Title to land to vest in fire district, etc.

SECTION 2. Said fire district shall, within ninety days after the taking of any lands, rights of way, easements or other property as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the southern district of the county of Berkshire a description thereof sufficiently accurate for identification, with a statement, signed by the board of water commissioners, of the purpose for which the same were taken.

Description of lands, etc., to be recorded.

SECTION 3. Said chapter two hundred and forty-five is hereby further amended by striking out section three and inserting in place thereof the following: — *Section 3.* Said fire district shall pay all damages to property sustained by any person or corporation by the taking of any lands, rights of way or easements, or by any other thing done by said fire district under authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with said fire district as to the amount thereof, may have the same assessed and determined in the manner provided by law when land is taken for the laying out of highways, on making application at any time within two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of said two years.

1902, 245, § 3, amended.

Damages.

SECTION 4. The Great Barrington Fire District is hereby authorized to supply any of the inhabitants of the town of Great Barrington, except those residing in that

May supply certain inhabitants of Great Barrington with water.

part of said town now supplied by the Housatonic Water Company, with water for domestic and other purposes, upon such terms as it may determine.

SECTION 5. This act shall take effect upon its passage.

Approved April 26, 1905.

Chap.336 AN ACT RELATIVE TO COSTS IN THE SERVICE OF CIVIL PROCESSES IN THE COUNTY OF DUKES COUNTY.

Be it enacted, etc., as follows:

Allowance for costs in the service of civil processes in the county of Dukes County.

SECTION 1. If it is necessary in the service of civil process in the county of Dukes County for an officer to use a horse and carriage for a distance exceeding two miles one way he may be allowed therefor fifteen cents a mile for the distance travelled one way, not exceeding twenty miles, and if he uses the horse and carriage of another person he shall be allowed the amount actually expended by him therefor; but no allowance for the actual amount expended by him for the use of a horse and carriage of another person shall be made unless the officer certifies that it was necessary for him to use a horse and carriage and that he actually used them for the distance, and paid therefor the amount stated in his certificate, and in no case shall the amount to be so allowed exceed five dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1905.

Chap.337 AN ACT TO ABOLISH THE BOARD OF OVERSEERS OF THE POOR AND TO CREATE A BOARD OF CHARITIES IN THE CITY OF LOWELL.

Be it enacted, etc., as follows:

Board of overseers of the poor in city of Lowell abolished, etc.

Existing contracts, etc., not affected except, etc.

SECTION 1. The board of overseers of the poor in the city of Lowell shall be abolished as hereinafter provided, and all its powers, rights, duties and liabilities shall be transferred to a board of charities in the said city. No existing contracts, liabilities or suits shall be affected by this act except as hereinafter provided, but the board of charities hereinafter created shall be in all respects the successor of said board of overseers of the poor.

Board of charities, appointment, terms, etc.

SECTION 2. Between the fifth day and the fifteenth day of January, nineteen hundred and six, the mayor shall appoint a board of charities consisting of five per-

sons, residents of the city, who shall hold office for terms of one, two, three, four and five years, respectively, from the fifteenth day of January, nineteen hundred and six, or until their successors are appointed and qualified; and thereafter the mayor shall annually, before the fifteenth day of January, appoint one member of said board to serve for a term of five years from said fifteenth day of January. A vacancy shall be filled in the same manner for the unexpired term. The mayor shall designate a member to be chairman. The mayor may remove any member at any time.

Vacancy, etc.

SECTION 3. No overseers of the poor shall be elected at the city election of nineteen hundred and five, but the overseers of the poor who were elected for terms ending on the first Monday in January, nineteen hundred and seven, shall constitute the board of overseers of the poor from the first Monday in January, nineteen hundred and six, until the fifteenth day of January, nineteen hundred and six, when their terms shall expire. The term of office of all officers and employees of the overseers of the poor shall expire on the fifteenth day of January, nineteen hundred and six, or upon the appointment of their successors thereafter.

No overseers of the poor to be elected at city election, 1905, etc.

Term of office of officers, etc., of overseers of the poor.

SECTION 4. The board of charities shall appoint a superintendent of charities, who shall have general executive charge of the department of charities, and shall hold office during the pleasure of the said board. He shall receive such salary as the city council may determine.

Superintendent of charities, appointment, etc.

SECTION 5. All other officers and employees of the department of charities shall be appointed by the superintendent of charities and shall hold their offices and positions at his pleasure.

Officers and employees, appointment, etc.

SECTION 6. This act shall be submitted to the qualified voters of the city of Lowell at the annual state election in the present year and shall take effect upon its acceptance by a majority vote of those voting thereon. The question of acceptance shall be placed upon the official ballot directly after the list of candidates and in the following form: — Shall an act passed by the general court in the year nineteen hundred and five, entitled "An Act to abolish the overseers of the poor and to create a board of charities in the city of Lowell", be accepted?

To be submitted to voters at state election, etc.

SECTION 7. So much of any act or of any ordinance

Repeal.

of the city of Lowell as is inconsistent herewith is hereby repealed or annulled.

When to take effect.

SECTION 8. So much of this act as is contained in section six shall take effect upon its passage.

Approved April 26, 1905.

Chap. 338 AN ACT TO AUTHORIZE THE SUSPENSION OF SENTENCES BY THE COURTS IN CERTAIN INSTANCES.

Be it enacted, etc., as follows:

R. L. 220, § 1, amended.

Execution of sentences may be suspended by the courts in certain cases, etc.

SECTION 1. Chapter two hundred and twenty of the Revised Laws is hereby amended by striking out section one and inserting in place thereof the following:—*Section 1.* When a person convicted before a municipal, police or district court is sentenced to imprisonment, or to pay a fine and to stand committed until the same is paid, the court may direct that the execution of said sentence be suspended, and that he be placed on probation for such time and on such terms and conditions as it shall fix. In case the sentence is to pay a fine not exceeding ten dollars, and to stand committed until the same is paid, if the court finds that the defendant is unable to pay the fine when it is imposed, and will not probably default, and that it will not be detrimental to the interests of the public, the execution of the sentence shall be so suspended and he shall be placed on probation. When the execution of a sentence to pay a fine has been suspended as aforesaid, one of the conditions of the probation shall be that the fine shall be paid during the period of probation. Said fine shall be paid to the probation officer, whereupon the order of commitment shall be void. The probation officer shall give a receipt for every fine so paid, shall keep a record of the same, shall pay the fine to the clerk of the court at its next session, and shall keep on file the clerk's receipt therefor. If at the end of said period the probation officer shall report to the court that the fine is unpaid, and that in his opinion the person is unable to pay the same, the court may either extend said period, place the case on file or revoke the suspension of the execution of the sentence.

When to take effect.

SECTION 2. This act shall take effect on the first day of July in the year nineteen hundred and five.

Approved April 26, 1905.

AN ACT TO PROVIDE FOR A READJUSTMENT OF THE SALARIES OF THE JUSTICES, CLERKS AND ASSISTANT CLERKS OF CERTAIN LOWER COURTS AFTER THE TAKING OF THE NEXT CENSUS. *Chap. 339*

Be it enacted, etc., as follows:

SECTION 1. The salaries of the justices, clerks and assistant clerks of the district, police and municipal courts, other than the municipal court of the city of Boston, shall be readjusted after the taking of the decennial census of the year nineteen hundred and five, so as to correspond with the schedule of salaries provided for by chapter four hundred and fifty-three of the acts of the year nineteen hundred and four. The said readjustment shall be effected in each case by the county treasurer of the county concerned, in accordance with the provisions of said chapter; and, beginning with the first day of January in the year nineteen hundred and six, the said salaries shall be paid according to the said readjustment.

Salaries of justices and clerks of certain lower courts to be readjusted.

SECTION 2. So much of this act as reduces the salary of any justice, clerk or assistant clerk of a police, district or municipal court shall not take effect while the present incumbent continues to hold office. In all other respects this act shall take effect upon its passage.

When to take effect.

Approved April 26, 1905.

AN ACT TO PROVIDE FOR EVENING SESSIONS OF POLICE, DISTRICT AND MUNICIPAL COURTS FOR THE PURPOSES OF NATURALIZATION. *Chap. 340*

Be it enacted, etc., as follows:

Chapter one hundred and sixty-six of the Revised Laws is hereby amended by adding at the end of said chapter the following new section: — *Section 21.* Evening sessions of any police, district or municipal court shall be held for the purpose of naturalization within ten days after twenty-five applications for naturalization have been filed with the clerk of the court, and after ten applicants have filed a written request for an evening session. The judge and officers of the court shall receive one day's pay, in proportion to their salaries, for each evening sitting herein provided for.

R. L. 166 amended.

Evening sessions of courts may be held for naturalization.

Approved April 26, 1905.

Chap.341 AN ACT TO PROVIDE FOR THE LICENSING OF THEATRICAL EXHIBITIONS, PUBLIC SHOWS AND PUBLIC AMUSEMENTS.

Be it enacted, etc., as follows:

R. L. 102, § 172,
etc., amended.

SECTION 1. Section one hundred and seventy-two of chapter one hundred and two of the Revised Laws, as amended by section four of chapter four hundred and sixty of the acts of the year nineteen hundred and four, is hereby further amended by striking out the words “and aldermen”, in the second line, so as to read as follows: —

Certain exhibi-
tions, etc.,
may be
licensed, etc.

Section 172. The mayor of a city or the selectmen of a town may, except as provided in section forty-six of chapter one hundred and six, grant a license for theatrical exhibitions, public shows, public amusements and exhibitions of every description to which admission is obtained upon payment of money or upon the delivery of any valuable thing, or by a ticket or voucher obtained for money or any valuable thing, upon such terms and conditions as they deem reasonable, and they may revoke or suspend such license at their pleasure; but they shall not grant a license for any such theatrical exhibitions, public shows, public amusements or exhibitions of any description whatever to be held upon the Lord’s day, except for those named in section five of chapter ninety-eight, and no such exhibition, show or amusement mentioned in said section, except a concert of sacred music or a free open air concert given by a city or town upon a common, public park, street or square, shall be given without such license.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1905.

Chap.342 AN ACT RELATIVE TO THE LICENSING AND INSPECTION OF THEATRES AND PUBLIC HALLS.

Be it enacted, etc., as follows:

1904, 450, § 2,
amended.

SECTION 1. Chapter four hundred and fifty of the acts of the year nineteen hundred and four is hereby amended by striking out section two and inserting in place thereof the following: — *Section 2.* In Boston the mayor, and in all other cities and towns the chief of the district police, shall be the officer to issue licenses for theatres and public halls. The licensing officer may require such changes in the structural condition of any

Licenses for
theatres and
public halls,
conditions, etc.

building before issuing any license as in his opinion the public safety requires; but no changes shall be ordered in excess of the requirements for a new building of like character under the existing law.

SECTION 2. The license shall expire on the first day of August in each year, and the licensing officer may, after the first inspection, suspend the regular inspection of a public hall for a period not exceeding six months. In buildings existing when this act takes effect an equivalent of the conditions required by law may be accepted by the licensing officer: *provided*, that such equivalents are set forth in detail in the license, which shall be posted in a conspicuous place in the building.

Licenses to expire August 1, etc.

Proviso.

SECTION 3. Section seven of said chapter four hundred and fifty is hereby repealed.

Repeal.

Approved April 26, 1905.

AN ACT TO REVIVE AND CONTINUE THE CORPORATE AUTHORITY OF THE LOWELL, ACTON AND MAYNARD STREET RAILWAY COMPANY.

Chap. 343

Be it enacted, etc., as follows:

SECTION 1. The organization of the Lowell, Acton and Maynard Street Railway Company, as it existed prior to the first day of November in the year nineteen hundred and four, is hereby legalized, and the authority granted by chapter three hundred and three of the acts of the year nineteen hundred, and by chapter three hundred and four of the acts of the year nineteen hundred and two, and by chapter one hundred and seventeen of the acts of the year nineteen hundred and three, is revived, restored and continued as though it had never ceased.

Corporate authority of the Lowell, Acton and Maynard Street Railway Company revived, etc.

SECTION 2. Said street railway company may, with the approval of the board of railroad commissioners, issue stock and bonds for that part of its railway now completed and operated between Maynard and South Acton in the same manner as if the company were organized under the general laws relating to street railway companies.

May issue stock and bonds.

SECTION 3. Said street railway company, its successors or assigns, shall pay to the Commonwealth of Massachusetts fifteen per cent of the total cost of the abolition of the grade crossings at South Acton over the Fitchburg railroad, in accordance with the amended report of the commissioners filed in March in the year nineteen hun-

Abolition of certain grade crossings.

dred and five, before it shall operate its line north of the Fitchburg railroad location.

Time limit
extended.

SECTION 4. The time limit for constructing and putting in operation the railway of the said company is hereby extended until the first day of December in the year nineteen hundred and six.

SECTION 5. This act shall take effect upon its passage.

Approved April 26, 1905.

Chap.344 AN ACT RELATIVE TO THE LODGING OF TRAMPS AND VAGRANTS
BY CITIES AND TOWNS.

Be it enacted, etc., as follows:

Tramps, etc.,
to perform
labor for
lodging, etc.,
in certain
cases, etc.

Cities and towns which provide lodging for tramps and vagrants shall require them, if physically able, to perform labor of some kind in return for the lodging and food furnished to them; and the places in which such persons are lodged shall be kept in such order and condition as may be prescribed by the state board of health.

Approved April 26, 1905.

Chap.345 AN ACT RELATIVE TO IMPRISONMENT IN BASTARDY CASES.

Be it enacted, etc., as follows:

R. L. 82, § 12,
amended.

SECTION 1. Section twelve of chapter eighty-two of the Revised Laws is hereby amended by adding at the end thereof the following:—If after entry the complainant neglects or refuses to prosecute such complaint, the district attorney, upon notification from a probation officer or from the keeper of the jail in which such defendant is confined that the proceedings have been unreasonably prolonged, shall bring the case to the attention of the superior court which, after such notice to the complainant and such investigation as it shall deem necessary, may order the defendant to be discharged,—so as to read as follows:—*Section 12.* If the defendant is committed under the provisions of section nine and the complaint is not entered at the return day of the superior court at which he was required to appear, he may make application to said court to be discharged; and if it appears, after such notice as the court may order, that there is no ground to hold him to answer further to the com-

Defendants in
bastardy cases
may be dis-
charged in
certain cases.

plaint, the court shall order him to be discharged. If after entry the complainant neglects or refuses to prosecute such complaint, the district attorney, upon notification from a probation officer or from the keeper of the jail in which such defendant is confined that the proceedings have been unreasonably prolonged, shall bring the case to the attention of the superior court which, after such notice to the complainant and such investigation as it shall deem necessary, may order the defendant to be discharged.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1905.

AN ACT MAKING APPROPRIATIONS FOR THE WORCESTER POLYTECHNIC INSTITUTE AND THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Chap. 346

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as otherwise provided herein, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit: — For the Worcester Polytechnic Institute, as authorized by chapter one hundred and nine of the acts of the present year, the sum of four thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Appropriations.

Worcester Polytechnic Institute.

For expenses in connection with printing the annual report of the railroad commissioners, as authorized by chapter one hundred and thirty-eight of the acts of the present year, the sum of two hundred dollars, to be paid out of the Railroad Commissioners' Fund, the same to be in addition to any amount heretofore provided for the same purpose.

Report of railroad commissioners.

For additional clerical assistance in the office of the auditor of accounts, as authorized by chapter one hundred and forty-nine of the acts of the present year, the sum of fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Clerical assistance in office of auditor.

For the purchase of books for the state library, as authorized by chapter one hundred and fifty-four of the acts

State library.

of the present year, the sum of two thousand dollars, the same to be in addition to the sixty-five hundred dollars appropriated by chapter eighteen of the acts of the present year.

Clerical assistance, etc., in state library.

For such clerical assistance and messenger service in the state library as may be necessary, as authorized by chapter one hundred and fifty-four of the acts of the present year, a sum not exceeding eleven hundred dollars, the same to be in addition to the forty-three hundred dollars provided for by chapter eighteen of the acts of the present year.

General agent of dairy bureau.

For the salary of the general agent of the dairy bureau, as authorized by chapter one hundred and fifty-five of the acts of the present year, the sum of two hundred dollars, the same to be in addition to the twelve hundred dollars appropriated by chapter seventy of the acts of the present year.

Salary of district attorney, western district.

For the salary of the district attorney for the western district, as authorized by chapter one hundred and fifty-seven of the acts of the present year, the sum of three hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Salary of district attorney, southern district.

For the salary of the district attorney for the southern district, as authorized by chapter one hundred and fifty-seven of the acts of the present year, the sum of two hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Salary of assistant district attorney, southeastern district.

For the salary of the assistant district attorney for the southeastern district, as authorized by chapter one hundred and fifty-seven of the acts of the present year, the sum of two hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Salary of assistant district attorney, southern district.

For the salary of the assistant district attorney for the southern district, as authorized by chapter one hundred and fifty-seven of the acts of the present year, the sum of four hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Salary of assistant district attorney, middle district.

For the salary of the assistant district attorney for the middle district, as authorized by chapter one hundred and fifty-seven of the acts of the present year, the sum of four hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

For the salary of the assistant district attorney for the eastern district, as authorized by chapter one hundred and fifty-seven of the acts of the present year, the sum of two hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Salary of assistant district attorney, eastern district.

For travelling expenses necessarily incurred by the district attorneys and assistant district attorneys, except in the Suffolk district, as authorized by section four of chapter one hundred and fifty-seven of the acts of the present year, a sum not exceeding twenty-five hundred dollars.

Travelling expenses of district attorneys, etc.

For clerical assistance for the register of probate and insolvency for the county of Norfolk, as authorized by chapter one hundred and eighty-three of the acts of the present year, a sum not exceeding six hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Clerical assistance, register of probate, etc., Norfolk county.

For the salary of the clerk of the legislative document division, as authorized by chapter two hundred and eighteen of the acts of the present year, the sum of one hundred dollars, the same to be in addition to the eleven hundred dollars appropriated by chapter sixty-nine of the acts of the present year, being the salary of one of the sergeant-at-arms' messengers now promoted to the above clerkship.

Clerk of legislative document division.

For such additional clerical assistance in the department of the adjutant general as he may find necessary, and for compensation of employees at the state arsenal, a sum not exceeding eight hundred dollars, the same to be in addition to the sixty-three hundred dollars appropriated by chapter one hundred and twenty-three of the acts of the present year.

Additional clerical assistance, adjutant general.

For certain improvements at the Medfield insane asylum, as authorized by chapter seven of the resolves of the present year, a sum not exceeding twelve thousand dollars, to be paid out of the Medfield Insane Asylum Fund.

Medfield insane asylum.

For the Massachusetts Charitable Eye and Ear Infirmary, as authorized by chapter nine of the resolves of the present year, the sum of thirty thousand dollars.

Massachusetts Charitable Eye and Ear Infirmary.

For Herbert H. Churchill, as authorized by chapter ten of the resolves of the present year, the sum of one hundred and seventy-five dollars.

Herbert H. Churchill.

For Lemuel D. Burr and Anna Burr, as authorized by chapter eleven of the resolves of the present year, the sum of one hundred and fifty dollars.

Lemuel D. and Anna Burr.

Collecting statistics relative to damage caused to food fish by predatory fish.

For collecting statistics in regard to damage caused to food fish by predatory fish, as authorized by chapter twelve of the resolves of the present year, a sum not exceeding two thousand dollars.

Revolutionary records.

For compiling, indexing and publishing the records of Massachusetts soldiers and sailors who served in the revolutionary war, as authorized by chapter fifteen of the resolves of the present year, a sum not exceeding five thousand dollars.

State house guide.

For the printing of a state house guide, as authorized by chapter eighteen of the resolves of the present year, a sum not exceeding five hundred dollars.

Normal art school.

For certain improvements in the normal art school building, as authorized by chapter nineteen of the resolves of the present year, a sum not exceeding ten thousand dollars.

First Unitarian Society of Hudson.

For the First Unitarian Society of Hudson, as authorized by chapter twenty-one of the resolves of the present year, the sum of two hundred and fifty dollars.

Herbert A. Clark.

For Herbert A. Clark, as authorized by chapter twenty-two of the resolves of the present year, the sum of one hundred and twenty-five dollars.

John Foster.

For John Foster, as authorized by chapter twenty-three of the resolves of the present year, the sum of one hundred dollars.

Cornelius Usher.

For Cornelius Usher, as authorized by chapter twenty-four of the resolves of the present year, the sum of one thousand dollars.

Albert A. Hartshorn.

For Albert A. Hartshorn, as authorized by chapter twenty-eight of the resolves of the present year, the sum of one hundred and fifty dollars.

Compensation of fire inspectors of district police.

For compensation of the fire inspectors of the detective department of the district police, as authorized by chapter two hundred and forty-seven of the acts of the present year, the sum of three thousand dollars, the same to be in addition to the seventy-five hundred dollars appropriated by chapter one hundred and forty-two of the acts of the present year.

Report of commissioners of savings banks.

For printing and binding the annual report of the commissioners of savings banks, the sum of three hundred sixty-nine dollars and sixty-one cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

For printing and binding the annual report of the civil service commissioners, the sum of twenty-two dollars and sixty cents, the same to be in addition to any amount heretofore appropriated for the same purpose.

Report of civil service commissioners.

For a survey and estimate by the board of harbor and land commissioners of a part of Saugus river and the approaches thereto, as authorized by chapter twenty-seven of the resolves of the present year, a sum not exceeding one thousand dollars.

Survey, etc., of part of Saugus river, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 26, 1905.

AN ACT TO PROHIBIT THE OBSTRUCTION OF MEANS OF EGRESS Chap. 347
FROM BUILDINGS.

Be it enacted, etc., as follows:

SECTION 1. Any article or thing placed upon a fire escape or an outside means of egress of any building is hereby declared a common nuisance. Any court authorized to issue warrants in criminal cases may, upon complaint under oath made by any police officer that any article or thing is placed or maintained upon a fire escape or outside means of egress of any building, issue a warrant to bring such article or thing when found before a court having jurisdiction of the same, and all articles or things seized under the authority of such a warrant shall be disposed of as provided in sections three to eight inclusive of chapter two hundred and seventeen of the Revised Laws relative to articles seized under clause eleven of section one of said chapter. Any owner, lessee, tenant or occupant of any building who maintains or permits to remain upon any fire escape or outside means of egress of any building any article or thing for more than twenty minutes shall be punished by a fine of not more than one hundred dollars. The existence of any article or thing upon a fire escape or outside means of egress of any building shall be prima facie evidence that such article or thing was so placed, maintained or permitted to remain by the occupant of the premises having access from said building to said fire escape or outside means of egress.

Fire escapes, etc., to be kept unobstructed.

Penalty, etc.

SECTION 2. Every stairway of every building shall be kept free and unobstructed, and any person who permits any article or thing to remain in any stairway of any

Stairways of buildings to be kept unobstructed.

Penalty.

building in such a manner as may impede the egress of any person lawfully in said building, or the ingress of any person lawfully entitled to enter said building shall be punished by a fine of not more than five hundred dollars. The existence of any article or thing in any such stairway in any building shall be *prima facie* evidence that it was placed or permitted to remain therein by the owner, lessee, tenant or occupant of the building.

Approved April 28, 1905.

Chap. 348 AN ACT RELATIVE TO PERSONS RECEIVED IN WORKHOUSES AND ALMSHOUSES AS TRAMPS OR VAGRANTS.

Be it enacted, etc., as follows:

1904, 274, § 1,
amended.

SECTION 1. Section one of chapter two hundred and seventy-four of the acts of the year nineteen hundred and four is hereby amended by inserting after the word "Commonwealth", in the sixth line, the words:— and persons received therein as tramps or vagrants without commitment, — so as to read as follows:— *Section 1.* Persons committed to any workhouse or almshouse established under the provisions of section one of chapter thirty of the Revised Laws, for vagrancy, drunkenness or petit larceny, or as night walkers, rogues or vagabonds, or for any other offence against the laws of the Commonwealth, and persons received therein as tramps or vagrants without commitment, shall be confined in separate and distinct quarters in such workhouse or almshouse and shall not be permitted to associate or communicate with the pauper inmates thereof.

Tramps and
certain per-
sons committed
to almshouses,
etc., to be
confined in
separate
quarters, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1905.

Chap. 349 AN ACT TO REORGANIZE THE SCHOOL COMMITTEE OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

School com-
mittee of city
of Boston,
election,
terms, etc.

SECTION 1. The school committee of the city of Boston shall hereafter consist of five members, to be elected by such persons as shall be qualified to vote for school committee in said city; but no person shall be eligible for election to the committee who is not an inhabitant of the city and has not been a resident thereof for at least three

years continuously prior to the election. The school committee shall serve without compensation, and their terms of office shall begin with the beginning of the municipal year following their election. At the annual municipal election in the year nineteen hundred and five, two persons shall be elected as aforesaid, to hold office for three years, two for two years and one for one year; and thereafter at each annual municipal election there shall be elected for the term of three years so many persons as may be necessary to fill the places of the member or members of said committee whose term or terms are about to expire. Vacancies in said committee arising from death, resignation or otherwise shall be filled for the unexpired term at the next annual municipal election.

Vacancies.

SECTION 2. Upon the organization of the school committee elected under and in accordance with the provisions of this act, the terms of office of the members of the present school committee of the city of Boston shall immediately terminate, and said members shall cease to exercise any authority under chapter fifty-three of the acts of the year eighteen hundred and seventy-seven, and acts in amendment thereof and in addition thereto.

Terms of office of present school committee.

SECTION 3. The school committee elected under and in accordance with the provisions of this act shall be the lawful successors of the present school committee, and shall be entitled to all the powers and privileges conferred, and subject to the duties and obligations imposed by chapter fifty-three of the acts of the year eighteen hundred and seventy-seven, and acts in amendment thereof and in addition thereto.

Powers and duties.

SECTION 4. So much of any act as is inconsistent herewith is hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved April 28, 1905.

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO EXPEND A SUM OF MONEY FOR DEFRAYING EXPENSES INCURRED BY IT IN CONSEQUENCE OF A CERTAIN DISASTER.

Chap. 350

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton is hereby authorized to expend a sum not exceeding five thousand dollars in defraying expenses incurred by the city on account of

City of Brockton may expend a sum of money for defraying certain expenses.

the late disaster by explosion and fire at the factory of R. B. Grover & Company in that city.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1905.

Chap.351 AN ACT TO AUTHORIZE THE TOWN OF NORTH ANDOVER TO
EXTEND ITS WATER SUPPLY SYSTEM AND TO BORROW MONEY
THEREFOR.

Be it enacted, etc., as follows:

Town of North
Andover may
extend its
water supply
system.

SECTION 1. The town of North Andover is hereby authorized to extend the water supply system acquired by it in pursuance of the provisions of chapter two hundred and two of the acts of the year eighteen hundred and ninety-three, and to expend therefor a sum not exceeding fifty thousand dollars.

North Andover
Water Loan,
1905.

SECTION 2. For the aforesaid purpose the town of North Andover is hereby authorized to issue from time to time bonds, notes or scrip to an amount not exceeding fifty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, North Andover Water Loan, 1905; shall be payable at the expiration of periods not exceeding thirty years from the date of issue, or earlier, at the option of the town; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the board of water commissioners. The town may sell said securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it shall deem proper: *provided*, that such securities shall not be sold for less than the par value thereof.

Proviso.

Payment of
loan.

SECTION 3. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall without further vote be assessed by the assessors of the town in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the town under authority of this act shall be extinguished.

SECTION 4. In addition to the amount which said town is required by the provisions of said chapter two hundred and two annually to raise, the town shall annually raise by taxation a sum which together with the income derived from the water rates will be sufficient to pay the annual expenses of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by the town, and to enable the town to make such payments on the principal as may be required under the provisions of this act.

Town to raise a certain sum by taxation annually.

SECTION 5. This act shall take effect upon its passage.

Approved April 28, 1905.

AN ACT TO AUTHORIZE THE TOWN OF FALMOUTH TO ISSUE ADDITIONAL BONDS FOR THE PURPOSE OF EXTENDING ITS WATER SYSTEM.

Chap. 352

Be it enacted, etc., as follows:

SECTION 1. The town of Falmouth, for the purpose of extending its water system to that part of the town called East Falmouth, is hereby authorized to issue bonds to an amount not exceeding twenty thousand dollars in addition to the amounts heretofore authorized by section two of chapter three hundred and thirty-one of the acts of the year nineteen hundred and two, as amended by chapter one hundred and twenty-eight of the acts of the year nineteen hundred and three. Said bonds shall be of the form and subject to the provisions specified in section thirteen of chapter sixty-six of the acts of the year eighteen hundred and ninety-eight.

Town of Falmouth may issue additional bonds, etc.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1905.

AN ACT TO PROVIDE FOR A WATER SUPPLY FOR THE TOWN OF AGAWAM.

Chap. 353

Be it enacted, etc., as follows:

SECTION 1. The town of Agawam, for the purpose of supplying itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, upon the advice and approval of the state board of health, may from time to time, as in its opinion necessity requires, take by purchase or otherwise, and hold, any lands

Town of Agawam may take certain lands, water rights, etc.

within the limits of said town, together with any water or water rights therein, and also all lands, rights of way and easements necessary for procuring, holding, protecting and distributing said water, may purchase water to be held by it, protected and distributed for the aforesaid purposes and upon the aforesaid condition from neighboring municipalities, and in general may do such things as are necessary for the purposes of securing, maintaining and protecting said water system or supply. It may also establish hydrants and fountains, regulate the use of said water, and fix and collect rates to be paid for the use of the same.

May establish hydrants, fix rates, etc.

May maintain structures, etc., lay pipes, etc.

SECTION 2. The town may construct and maintain upon lands so taken wells, either artesian or of other kinds, filter beds, reservoirs, galleries, dams, standpipes, pumping stations and other necessary works, machinery and structures; may make such excavations, procure and operate such machinery, and do such other things as may be necessary for providing and maintaining an effective system of water supply; and it may lay and maintain such aqueducts, conduits, pipes and other works over or under any ways within such town in such manner as shall not unnecessarily obstruct the same.

Description of lands, etc., to be recorded.

SECTION 3. The town shall file and cause to be recorded in the registry of deeds for Hampden county a description, sufficiently accurate for identification, of all lands, rights of way, water rights, water sources or easements which it shall take hereunder, otherwise than by purchase, together with a statement of the purpose for which the same are taken, within ninety days of the date of said taking. Such statement shall be signed by the selectmen.

Damages.

SECTION 4. The town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water sources, water right or easement, or by reason of any other thing done by said town under authority of this act. Any person or corporation entitled to damages under this act, who fails to agree with said town as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, by making application therefor within one year after the taking of such land or other property, or the doing of any other injury under the au-

thority of this act; but no application shall be made after the expiration of said year. No application shall be made for such assessment of damages for the taking of any water or water rights, or any injury thereto, until the water is actually withdrawn or diverted by said town under authority of this act, and in such last named case no description and statement provided for in section three shall be deemed to have been filed for the purpose of such assessment and determination until such water is actually withdrawn or diverted.

SECTION 5. The town of Agawam, for the purposes mentioned in this act, may borrow money from time to time and issue therefor negotiable notes, bonds or scrip to an amount not exceeding fifty thousand dollars. Such notes, bonds or scrip shall be signed by the treasurer of the town and countersigned by its selectmen, and shall be denominated on the face thereof, Agawam Water Loan, Act of 1905. They shall be payable at the expiration of such periods after the date of their issue, not exceeding thirty years, and shall bear such rate of interest, not exceeding four per cent per annum, as the town may determine. The town may sell such securities at public or private sale, or pledge the same for not less than the face value thereof for money borrowed for the purposes of this act, and upon such conditions as it sees fit.

SECTION 6. The town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning not less than three years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by this act; and when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act, shall, without further vote, be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan is extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws.

SECTION 7. The water commissioners hereinafter mentioned shall fix just and equitable prices and rates for the

Agawam
Water Loan,
Act of 1905.

Payment of
loan, etc.

Water rates,
expenses, etc.

use of water, and shall prescribe the time and manner of payment. The income of the water works shall be applied to defraying all operating expenses, interest charges and payments on principal as they accrue upon any bonds, notes or scrip issued under the authority of this act. If there should be a net surplus remaining after providing as above for the aforesaid charges it shall be used for such new construction as the water commissioners may determine upon; and in case a surplus should remain after payment for such new construction the water rates shall be proportionally reduced. No money shall be expended for new construction by the water commissioners except from the net surplus aforesaid, unless the town appropriates money therefor. Said commissioners shall annually, and as often as the town may require, render an account of their doings.

Annual
account to be
rendered.

When to take
effect.

SECTION 8. This act shall take effect upon its acceptance by a majority vote at a legal town meeting duly called and held for that purpose within three years after its passage.

Certain votes
to be passed at
a legal town
meeting.

SECTION 9. No vote of the town shall be passed authorizing and directing the acquisition of any property for the water system or supply established or authorized hereunder, or for the borrowing of money authorized herein, except at a legal town meeting.

Water commis-
sioners, elec-
tion, terms,
etc.

SECTION 10. So soon as is practicable after the acceptance of this act, said town shall, at a legal meeting called and held for the purpose, elect three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next preceding annual town meeting. Thereafter the town shall annually choose one person for the term of three years at its annual meeting. The persons so chosen shall constitute a board of water commissioners. Such water commissioners shall have all the authority granted to said town by this act, unless otherwise specially provided for. They shall be subject to such instructions, rules and regulations as the town may from time to time impose by vote.

Approved May 1, 1905.

AN ACT RELATIVE TO THE SUPPORT AND REMOVAL OF INMATES
OF THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND
INEBRIATES AND OF THE MASSACHUSETTS HOSPITAL FOR
EPILEPTICS. *Chap. 354*

Be it enacted, etc., as follows:

SECTION 1. Expenses for the support and removal of any inmate, whether a pauper or not, of the Massachusetts hospital for dipsomaniacs and inebriates or of the Massachusetts hospital for epileptics which have been paid by any city or town or by the Commonwealth may be recovered of his place of settlement and of such inmate and his kindred, according to the provisions of chapter eighty-one of the Revised Laws: *provided*, that no city or town shall be liable for such expenses on account of an insane person. Support and removal of inmates of certain hospitals. Proviso.

SECTION 2. This act shall apply to expenses incurred on and after the first day of July in the year nineteen hundred and five. To apply to certain expenses.

SECTION 3. This act shall take effect upon its passage.

Approved May 1, 1905.

AN ACT TO AUTHORIZE THE BOARD OF PRISON COMMISSIONERS
TO ESTABLISH A HOSPITAL FOR PRISONERS HAVING TUBERCULAR DISEASE. *Chap. 355*

Be it enacted, etc., as follows:

SECTION 1. With the approval of the governor and council the board of prison commissioners is hereby authorized to erect on the land now occupied by the temporary industrial camp for prisoners at Rutland, suitable buildings to be used as a hospital prison for the confinement and treatment of prisoners having tubercular disease. Hospital for prisoners having tubercular disease to be erected.

SECTION 2. When such buildings are ready for occupancy the prison commissioners may remove thereto any male prisoner in the state prison, the Massachusetts reformatory, the state farm, or in any jail or house of correction, who appears by the certificate of the prison physician to be suffering from consumption or any disease of a tubercular nature. They may at any time return to the original place of imprisonment any prisoner so removed. A prisoner shall be held in the place to Removal of prisoners, etc.

which he is so removed or returned according to the terms of his original sentence.

Orders for removal, escape of prisoners, etc.

SECTION 3. Any order for the removal or return of a prisoner as provided herein may be executed by any officer authorized to serve criminal process; and a prisoner who makes an escape from such officer while being conveyed to or from said hospital prison, shall be deemed to have escaped from the prison to which he was originally committed.

Custody, etc., of prisoners removed to hospital prison.

SECTION 4. A prisoner removed to said hospital prison shall be held in the custody of the superintendent of said temporary industrial camp for prisoners, and shall be governed, employed and treated according to such rules and regulations as may be established by the board of prison commissioners with the approval of the governor and council. Prisoners held in said hospital prison shall be subject to all the laws that are now applicable to the temporary industrial camp for prisoners.

A certain sum may be expended.

SECTION 5. The prison commissioners are hereby authorized to expend, with the approval of the governor and council, a sum not exceeding twenty-five thousand dollars out of the State Prison Industries Fund to provide the buildings and furnishings for the said hospital prison.

SECTION 6. This act shall take effect upon its passage.

Approved May 1, 1905.

Chap. 356 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF HAMILTON AND WENHAM.

Be it enacted, etc., as follows:

Boundary line between Hamilton and Wenham established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Hamilton and Wenham: — Beginning at a granite monument standing at the corner of the towns of Hamilton, Manchester and Wenham, in latitude forty-two degrees, thirty-five minutes, thirty-six and fifty-three hundredths seconds, and longitude seventy degrees, forty-eight minutes, fifty-four and seventeen hundredths seconds; thence north sixty-nine degrees, fifty-one minutes west, true bearing, seventeen thousand four hundred and thirty-three feet to a point in the southeasterly side line of Main street, in latitude forty-two degrees, thirty-six minutes, thirty-five and eighty-one hundredths seconds, and longitude seventy

degrees, fifty-two minutes, thirty-three and one hundredth seconds; thence north sixty-eight degrees, sixteen minutes west, true bearing, twelve thousand five hundred and thirty-nine feet to a granite monument standing fifty feet south of Ipswich river, in latitude forty-two degrees, thirty-seven minutes, twenty-one and sixty-three hundredths seconds, and longitude seventy degrees, fifty-five minutes, eight and eighty hundredths seconds; thence in the same direction, about one hundred and fifty feet to the middle of the river, at the present corner of the towns of Hamilton, Topsfield and Wenham.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1905.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWN OF BERLIN AND THE CITY OF MARLBOROUGH. *Chap. 357*

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the town of Berlin and the city of Marlborough: — Beginning at the corner of Berlin, Hudson and Marlborough, at a granite monument in latitude forty-two degrees, twenty-two minutes, two and thirty-five hundredths seconds, and longitude seventy-one degrees, thirty-six minutes, twelve and seventy-seven hundredths seconds; thence south twenty-seven degrees, thirty-four minutes west, true bearing, four thousand and fifty-six feet to a granite monument standing at an angle in a wall in latitude forty-two degrees, twenty-one minutes, twenty-six and eighty-four hundredths seconds, and longitude seventy-one degrees, thirty-six minutes, thirty-seven and seventy-six hundredths seconds, — an angle in the present dividing line between Berlin and Marlborough; thence south fifty-seven degrees, thirty-two minutes west, true bearing, four thousand seven hundred and eight feet to the corner of Berlin, Marlborough and Northborough, at a granite monument standing in open pasture, in latitude forty-two degrees, twenty-one minutes, one and eighty-six hundredths seconds, and longitude seventy-one degrees, thirty-seven minutes, thirty and sixty-six hundredths seconds.

Boundary line
between Berlin
and Marl-
borough estab-
lished.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1905.

*Chap.*358 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE
TOWNS OF BERLIN AND HUDSON.

Be it enacted, etc., as follows:

Boundary line
between Berlin
and Hudson
established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Berlin and Hudson:— Beginning at the corner of Berlin, Bolton and Hudson, at a granite monument standing twenty-eight feet south of the intersection of the Central Massachusetts division of the Boston and Maine Railroad with a street, at a point five hundred feet west of the South Bolton depot, in latitude forty-two degrees, twenty-three minutes, fifty-one and ninety-two hundredths seconds, and longitude seventy-one degrees, thirty-six minutes, seventeen and four hundredths seconds; thence south fifty-eight degrees, fifty-nine minutes east, true bearing, seven thousand six hundred and three feet along the present dividing line between Berlin and Hudson, to a granite monument standing on the southerly side of River street, in latitude forty-two degrees, twenty-three minutes, thirteen and twenty-two hundredths seconds, and longitude seventy-one degrees, thirty-four minutes, fifty and twenty-two hundredths seconds; thence south fifty degrees, twenty-six minutes west, true bearing, nine thousand six hundred and eighty-four feet along the present dividing line between Berlin and Hudson, to a granite monument standing on a wooded elevation, in latitude forty-two degrees, twenty-two minutes, twelve and twenty-seven hundredths seconds, and longitude seventy-one degrees, thirty-six minutes, twenty-nine and sixty-seven hundredths seconds; thence south fifty-one degrees, thirty-nine minutes east, true bearing, sixteen hundred and eighteen feet to the corner of Berlin, Hudson and Marlborough, at a granite monument situated in latitude forty-two degrees, twenty-two minutes, two and thirty-five hundredths seconds, and longitude seventy-one degrees, thirty-six minutes, twelve and seventy-seven hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1905.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF BERLIN AND CLINTON. *Chap.359*

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Berlin and Clinton:—Beginning at the corner of Berlin, Bolton and Clinton, at a granite monument in latitude forty-two degrees, twenty-five minutes, five and eighty-two hundredths seconds, and longitude seventy-one degrees, thirty-nine minutes, forty and one hundredth seconds; thence south thirteen degrees, six minutes west, true bearing, eight thousand eight hundred and fifty-five feet, along the present dividing line between Berlin and Clinton to a point in latitude forty-two degrees, twenty-three minutes, forty and sixty-two hundredths seconds, and longitude seventy-one degrees, forty minutes, six and seventy-seven hundredths seconds; thence north seventy-six degrees, five minutes west, true bearing, two thousand three hundred and fifty-one feet to a point in latitude forty-two degrees, twenty-three minutes, forty-six and twenty-one hundredths seconds, and longitude seventy-one degrees, forty minutes, thirty-seven and eighteen hundredths seconds; thence south thirteen degrees, thirty minutes west, true bearing, two thousand six hundred and seven feet to the corner of Berlin, Boylston and Clinton, at a granite monument in latitude forty-two degrees, twenty-three minutes, twenty-one and seventeen hundredths seconds, and longitude seventy-one degrees, forty minutes, forty-five and twenty-eight hundredths seconds.

Boundary line
between Berlin
and Clinton
established.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1905.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF BOYLSTON AND WEST BOYLSTON. *Chap.360*

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Boylston and West Boylston:—Beginning at the corner of Boylston, Sterling and West Boylston, at a granite monument in latitude forty-two degrees, twenty-three minutes, twelve and eighty-four hundredths seconds, and longitude

Boundary line
between
Boylston and
West Boylston
established.

Boundary line
between
Boylston and
West Boylston
established.

seventy-one degrees, forty-four minutes, thirty-two and sixty-three hundredths seconds; thence south sixty-seven degrees, eight minutes west, true bearing, along the present dividing line between Boylston and West Boylston, three thousand four hundred and eighty-six feet to a granite monument standing five feet southeast of a junction of walls in latitude forty-two degrees, twenty-two minutes, fifty-nine and forty-five hundredths seconds, and longitude seventy-one degrees, forty-five minutes, fifteen and forty-two hundredths seconds; thence south nineteen degrees, twenty-seven minutes west, true bearing, along the present dividing line between Boylston and West Boylston, four thousand seven hundred and eighty-eight feet to a point a few feet north of the northerly shore of the Nashua reservoir in latitude forty-two degrees, twenty-two minutes, fourteen and eighty-five hundredths seconds, and longitude seventy-one degrees, forty-five minutes, thirty-six and sixty-six hundredths seconds; thence south six degrees, twenty-five minutes west, true bearing, nine thousand seven hundred and thirty-five feet, crossing the reservoir to a granite monument standing in the present dividing line between Boylston and West Boylston in latitude forty-two degrees, twenty minutes, thirty-nine and twenty-eight hundredths seconds, and longitude seventy-one degrees, forty-five minutes, fifty-one and seventeen hundredths seconds; thence south fifty-seven minutes west, true bearing, eleven thousand four hundred and twenty-one feet along the present dividing line between Boylston and West Boylston, to a granite monument standing at the corner of Boylston, Shrewsbury and West Boylston, in latitude forty-two degrees, eighteen minutes, forty-six and forty-eight hundredths seconds, and longitude seventy-one degrees, forty-five minutes, fifty-three and seventy hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1905.

Chap. 361 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF LYNNFIELD AND READING.

Be it enacted, etc., as follows:

Boundary line
between
Lynnfield and
Reading
established.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Lynnfield and Reading:—Beginning at the corner of the towns of

Lynnfield, North Reading and Reading at a granite monument in latitude forty-two degrees, thirty-three minutes, twenty-one and forty-one hundredths seconds, and longitude seventy-one degrees, four minutes, seventeen and thirty-two hundredths seconds; thence south thirty-eight degrees, fifty minutes east, true bearing, two thousand nine hundred and ten feet to a granite monument in latitude forty-two degrees, thirty-two minutes, fifty-nine and two hundredths seconds, and longitude seventy-one degrees, three minutes, fifty-two and ninety-four hundredths seconds; thence south eighty-eight degrees, nine minutes west, true bearing, three thousand two hundred and eighty-three feet to a granite monument in latitude forty-two degrees, thirty-two minutes, fifty-seven and ninety-seven hundredths seconds, and longitude seventy-one degrees, four minutes, thirty-six and seventy-seven hundredths seconds; thence south fifty-two degrees, forty-four minutes west, true bearing, one thousand one hundred and seventy-seven feet to a granite monument in latitude forty-two degrees, thirty-two minutes, fifty and ninety-three hundredths seconds, and longitude seventy-one degrees, four minutes, forty-nine and twenty-eight hundredths seconds; thence south twenty degrees, forty-four minutes east, true bearing, three thousand three hundred and seven feet to a granite monument in latitude forty-two degrees, thirty-two minutes, twenty and thirty-eight hundredths seconds, and longitude seventy-one degrees, four minutes, thirty-three and sixty-four hundredths seconds; thence south one degree, fifty-eight minutes east, true bearing, two thousand eight hundred and eighty-three feet, to a granite monument standing at the corner of the towns of Lynnfield, Reading and Wakefield, in latitude forty-two degrees, thirty-one minutes, fifty-one and ninety-two hundredths seconds, and longitude seventy-one degrees, four minutes, thirty-two and thirty-two hundredths seconds.

Boundary line
between
Lynnfield and
Reading
established.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1905.

AN ACT TO AUTHORIZE THE TOWN OF BRAINTREE TO MAKE AN
ADDITIONAL WATER LOAN.

Chap. 362

Be it enacted, etc., as follows:

SECTION 1. The town of Braintree, for the purpose mentioned in section one of chapter two hundred and

Braintree
Water Loan,
Act of 1905.

Braintree
Water Loan,
Act of 1905.

seventeen of the acts of the year eighteen hundred and eighty-five, may issue notes, bonds or scrip, to be denominated on the face thereof, Braintree Water Loan, Act of 1905, to an amount not exceeding ten thousand dollars, in addition to the amounts heretofore authorized to be issued by said town for the purpose of supplying itself and its inhabitants with water. Such notes, bonds or scrip shall be issued upon the terms and conditions and with the powers specified in section five of said chapter; and the whole amount of such notes, bonds or scrip, together with those heretofore issued by the town for the purpose of supplying itself and its inhabitants with water, shall not in any event exceed the sum of two hundred and sixty-six thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1905.

Chap.363 AN ACT TO RATIFY AND CONFIRM CERTAIN PROCEEDINGS OF THE TOWN OF SAVOY AT ITS ANNUAL TOWN MEETING IN THE YEAR NINETEEN HUNDRED AND FIVE.

Be it enacted, etc., as follows:

Certain pro-
ceedings of
town of Savoy
confirmed.

SECTION 1. The proceedings of the town of Savoy at its annual town meeting in the year nineteen hundred and five, in voting to appropriate the sum of eight hundred dollars for a telephone system in said town, are hereby ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1905.

Chap.364 AN ACT RELATIVE TO BUILDING IN THE PUBLIC PARKS OF THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

Certain struc-
tures may be
erected, etc.,
in the public
parks of
Worcester.

SECTION 1. The park commissioners of the city of Worcester may erect and maintain in the parks now or hereafter under their control, excepting the common, structures for the shelter and refreshment of persons frequenting such parks, and for other park purposes, the same to be of such materials and in such places as they may deem that the public interests require. Section twenty of chapter fifty-three of the Revised Laws shall not apply to such buildings.

Certain pro-
visions of law
not to apply.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1905

AN ACT RELATIVE TO THE RANK AND COMPENSATION OF THE DISTRICT POLICE OFFICER DETAILED TO THE COMMAND OF THE STEAMER LEXINGTON. Chap. 365

Be it enacted, etc., as follows:

SECTION 1. The officer of the detective department of the district police who from time to time shall be detailed to the command of the Commonwealth's steamer Lexington, or any other vessel commissioned and used in place thereof, shall have the rank of captain of said police force, and shall receive an annual salary of eighteen hundred dollars.

Rank, etc., of district police officer detailed to command of steamer Lexington.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1905.

AN ACT RELATIVE TO THE SPEED AT WHICH AUTOMOBILES AND MOTOR CYCLES MAY BE OPERATED ON PUBLIC WAYS. Chap. 366

Be it enacted, etc., as follows:

SECTION 1. The city council of a city or the board of aldermen of a city having no common council, and the selectmen of a town, may make special regulations as to the speed of automobiles and motor cycles and as to the use of such vehicles on particular roads or ways, including their complete exclusion therefrom. If they determine that on any particular way a speed greater than the speeds specified in section eight of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three may be permitted with safety, they may make such special regulations as may appear to them to be necessary: *provided, however*, that no such special regulation increasing or lessening the speed at which automobiles and motor cycles may be run on the public highways, or excluding them therefrom, shall be effective unless such regulation shall have been published in one or more newspapers, if there be any, published in such city or town, otherwise in one or more newspapers published in the county in which the city or town is situated. If within fifteen days after the publication of such notice, not less than fifty residents of Massachusetts, at least ten of whom shall be taxpayers of the city or town, file a written protest with the Massachusetts highway commission, such special regulation shall not be valid until approved by said board after

Cities and towns may make special regulations as to speed of automobiles and motor cycles, etc.

Proviso.

Protest may be filed, etc.

Special regula-
tions to be
posted, etc.

Certain ordi-
nances, etc.,
to have no
force or effect
where regula-
tions are made.
Certain rights
not affected.

Repeal.

public notice and a hearing given by said board in the city or town. Such special regulations shall be posted conspicuously by or under the direction of the Massachusetts highway commission on sign boards at such points as the board may deem necessary. The cost of such sign boards and the expenses in connection with their erection and maintenance shall be paid out of the appropriation for expenses in connection with the registration of automobiles and motor cycles and the licensing of operators thereof. No ordinance, by-law or regulation now in force in any city or town which regulates the speed at which automobiles or motor cycles shall be run upon its public ways shall hereafter have any force or effect. Nothing herein contained shall be so construed as to affect the rights of boards of park commissioners, as established by law.

SECTION 2. Section fourteen of chapter four hundred and seventy-three of the acts of the year nineteen hundred and three is hereby repealed. *Approved May 4, 1905.*

Chap. 367

AN ACT RELATIVE TO APPRAISALS AND TO THE PAYMENT OF FEES IN THE TAXATION OF COLLATERAL LEGACIES AND SUCCESSIONS.

Be it enacted, etc., as follows:

R. L. 15, § 16,
amended.

Tax on
collateral
legacies and
successions,
valuation,
appraisal.

Section sixteen of chapter fifteen of the Revised Laws is hereby amended by inserting after the word "final", in the seventh line, the words:— One half of, — by inserting after the word "general", in the ninth line, the words:— and one half of said fees shall be paid by the other party or parties to said proceeding, — and by adding at the end of said section the words:— *provided, however,* that in all proceedings arising under this section said probate court, upon agreement of parties or when in the opinion of the court the nature of the property makes it advisable, may appoint a single disinterested appraiser who shall upon oath appraise such property as hereinbefore provided, — so as to read as follows:— *Section 16.* Said tax shall be assessed upon the actual value of said property as found by the probate court. Upon the application of the treasurer and receiver general or of any party interested in the succession, the probate court shall appoint three disinterested appraisers who, first being sworn, shall appraise such property at its actual market value and shall make return thereof to said court. Such

return, when accepted by said court, shall be final. One half of the fees of said appraisers, as determined by the judge of said court, shall be paid by the treasurer and receiver general, and one half of said fees shall be paid by the other party or parties to said proceeding. The value of an annuity or life estate shall be determined by the "Actuaries' Combined Experience Tables", at four per cent compound interest: *provided, however*, that in all proceedings arising under this section said probate court, upon agreement of parties or when in the opinion of the court the nature of the property makes it advisable, may appoint a single disinterested appraiser who shall upon oath appraise such property as hereinbefore provided.

Proviso.

Approved May 4, 1905.

AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR THE CARE OF RESERVATIONS IN THE CONTROL OF THE METROPOLITAN PARK COMMISSION.

Chap. 368

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the Metropolitan Parks Maintenance Fund, for the care of reservations in the control of the metropolitan park commission during the year ending on the thirty-first day of December, nineteen hundred and five, as provided by chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine, in addition to sums already appropriated, to wit: —

Appropriations.

For the police in the charge of the metropolitan park commission, the sum of nine hundred and fifty-five dollars.

Metropolitan park commission, police.

For miscellaneous expenses and supplies, the sum of sixteen hundred and ten dollars.

Supplies, etc.

For a new shop building in the Blue Hills reservation, the sum of fifteen hundred dollars.

New shop building in Blue Hills reservation.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1905.

AN ACT TO AUTHORIZE CERTAIN ADVANCES TO THE ATTORNEY-GENERAL FROM THE TREASURY OF THE COMMONWEALTH.

Chap. 369

Be it enacted, etc., as follows:

SECTION 1. Section thirty-five of chapter six of the Revised Laws is hereby amended by inserting after the word "prescribe", in the twenty-eighth line, the words:

R. L. 6, § 35, amended.

Advances from
the treasury
of the Com-
monwealth.

— the attorney-general, five hundred dollars, — so as to read as follows: — *Section 35.* Officers who are authorized to expend money in behalf of the Commonwealth may have money advanced to them from the treasury, not exceeding at any one time the following amounts: the disbursing officer of the state board of charity, upon giving a bond in the sum of four thousand dollars, with sufficient sureties, payable to and approved by the treasurer and receiver general, three thousand dollars; the disbursing officer of the state board of insanity, upon giving a bond in the sum of two thousand dollars, with sufficient sureties, payable to and approved by the treasurer and receiver general, fifteen hundred dollars; the treasurer or disbursing officer of each of the state insane hospitals or asylums, of the Massachusetts hospital for dipsomaniacs and inebriates, of the Massachusetts hospital for epileptics, of the Massachusetts state sanatorium and of the Massachusetts School for the Feeble-Minded, not more than two thousand dollars for an institution having not more than five hundred inmates and not more than five thousand dollars for an institution having more than five hundred inmates; the board of prison commissioners, for aiding prisoners who have been discharged from the Massachusetts reformatory, five hundred dollars; the sergeant-at-arms, for necessary and legitimate expenditures made by him for committees of the general court while travelling under an order thereof, two thousand dollars, and for the incidental expenditures made by him in the care of the state house and grounds, five hundred dollars; the bonded paymasters of the militia, eighty per cent of the pay and mileage due or to become due to the officers and men of the militia for duty performed at camp or annual drill, under such rules and regulations as the treasurer and receiver general may prescribe; the attorney-general, five hundred dollars; other public officers, except as otherwise provided, not more than one hundred and fifty dollars at any one time.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1905.

AN ACT RELATIVE TO THE PROSECUTION IN THE SUPERIOR COURT OF CLAIMS AGAINST THE COMMONWEALTH. *Chap. 370*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and one of the Revised Laws is hereby amended by striking out the words "for the county of Suffolk", in the first line, so as to read as follows: — *Section 1.* The superior court shall have jurisdiction of all claims at law or in equity against the Commonwealth. Such claims may be enforced by petition stating clearly and concisely the nature of the claim and the damages demanded, and such petition shall be served by the sheriff of the county of Suffolk or any of his deputies by leaving an attested copy thereof in the hands or in the office of the attorney-general, and a like copy in the hands or in the office of the secretary of the Commonwealth, thirty days at least before the return day thereof.

R. L. 201, § 1,
amended.

Jurisdiction
of claims
against the
Common-
wealth, etc.

SECTION 2. Section two of said chapter is hereby amended by striking out the word "one", in the fourth line, and inserting in place thereof the word: — two, — and by adding at the end of said section the words: — If the amount claimed is more than two thousand dollars the action or petition shall be brought in the county of Suffolk; but if the amount claimed is two thousand dollars or less the action or petition may be brought in the county of Suffolk or in the county in which the plaintiff or petitioner resides. If the action or petition is to recover damages for injuries sustained while travelling on a state highway, it may be brought in the county of Suffolk or in the county in which the plaintiff or petitioner resides, or in the county in which the injuries were sustained, — so as to read as follows: — *Section 2.* The provisions of law relative to tender, offer of judgment, set-off and recoupment shall apply to such petition, and the case shall be tried by the court without a jury and, if the amount claimed is more than two thousand dollars, by three justices of said court. All hearings shall be in open court and questions of law may be taken to the supreme judicial court as in other cases. If the amount claimed is more than two thousand dollars the action or petition shall be brought in the county of Suffolk; but if the amount claimed is two thousand dollars or less the

R. L. 201, § 2,
amended.

Proceedings.

action or petition may be brought in the county of Suffolk or in the county in which the plaintiff or petitioner resides. If the action or petition is to recover damages for injuries sustained while travelling on a state highway, it may be brought in the county of Suffolk or in the county in which the plaintiff or petitioner resides, or in the county in which the injuries were sustained.

Approved May 4, 1905.

Chap. 371 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS FOR THE COUNTY OF BARNSTABLE TO BORROW MONEY FOR NECESSARY ALTERATIONS AND REPAIRS IN THE COURT HOUSE IN THE TOWN OF BARNSTABLE.

Be it enacted, etc., as follows:

County commissioners of Barnstable county may borrow upon credit of county, etc.

SECTION 1. The county commissioners for the county of Barnstable are hereby authorized and empowered to borrow, upon the credit of the county, a sum not exceeding thirty-five thousand dollars, for the purpose of making necessary alterations and repairs in the court house in the town of Barnstable. This indebtedness shall be paid out of the amounts received for taxes as follows:—Three thousand dollars on the first day of October, nineteen hundred and five, and two thousand dollars on the first day of October of each succeeding year, until the whole indebtedness is paid.

Contract for alterations and repairs, etc.

SECTION 2. The contract for such alterations and repairs shall be awarded to the lowest bidder, who shall furnish a bond in a penal sum not less than forty per cent of the amount of his bid, for the faithful completion of his contract at the amount of his bid. The county commissioners shall publicly advertise for sealed bids, and they shall furnish to all persons making application therefor complete plans and specifications, without discrimination, and all bids shall be publicly opened after due notice to all parties in interest and public advertisement thereof.

SECTION 3. This act shall take effect upon its passage.

Approved May 4, 1905.

AN ACT TO EXTEND THE TIME FOR FILING PETITIONS FOR THE
ASSESSMENT OF DAMAGES ARISING FROM THE IMPROVEMENT
OF BLUE HILL AVENUE IN THE TOWN OF MILTON. *Chap.372*

Be it enacted, etc., as follows:

SECTION 1. The time within which John F. Connell, John A. Ewell, David Halliday, Patrick J. Concannon, Andrew G. Hoffman, Patrick Byrne and Richard Wall may file their petitions in the superior court for damages arising from any change of grade of streets made in accordance with the order of the selectmen of the town of Milton, dated February seventh, nineteen hundred and three, relative to Blue Hill avenue in said town, which order was accepted and allowed by the town at its annual town meeting on March second, nineteen hundred and three, is hereby extended to July first, nineteen hundred and five.

Time for
filing certain
petitions for
assessment of
damages
extended.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1905.

AN ACT RELATIVE TO THE TERMS OF OFFICE OF MUNICIPAL
AUDITORS. *Chap.373*

Be it enacted, etc., as follows:

SECTION 1. After the passage of this act, and upon the expiration of the term for which any city auditor shall have been elected or appointed, and in every third year thereafter, there shall be elected or appointed in the manner required by the charters of their respective cities, an auditor of accounts to hold office for three years from the date of his election or appointment.

Municipal
auditors,
election or
appointment.

SECTION 2. Every such auditor of accounts shall hold his office until the election or appointment and qualification of his successor, unless sooner removed in accordance with the existing provision for removal in the city charter under which such auditor has been elected or appointed, or in accordance with any general law.

Term of office.

SECTION 3. When a vacancy occurs in the office of auditor of accounts in any city, the person elected or appointed to fill such vacancy shall hold the office until the end of the unexpired term of the person last holding such office.

Vacancy.

To be sub-
mitted to
voters.

SECTION 4. This act shall be submitted to the voters of every city at the next municipal election, and upon its acceptance by a majority of the voters voting thereon in any city it shall take effect in that city.

Repeal.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved May 5, 1905.*

Chap. 374 AN ACT TO AUTHORIZE THE TOWN OF TRURO TO CONTRIBUTE THE SUM OF ONE HUNDRED DOLLARS TO THE FUND FOR THE ERECTION OF THE PILGRIM MEMORIAL MONUMENT AT PROVINCETOWN.

Be it enacted, etc., as follows:

Town of
Truro may
contribute a
certain sum
for the erection
of the Pilgrim
memorial
monument at
Provincetown.

SECTION 1. The town of Truro is hereby authorized to contribute the sum of one hundred dollars to the fund for the erection of the Pilgrim memorial monument at Provincetown; and the vote of the town of Truro, passed at a special meeting held on the eleventh day of March, nineteen hundred and five, appropriating the sum of one hundred dollars for a contribution to said fund is hereby ratified and confirmed.

SECTION 2. This act shall take effect upon its passage.
Approved May 5, 1905.

Chap. 375 AN ACT RELATIVE TO THE RIGHT OF CHILDREN OF NON-RESIDENT PARENTS TO ATTEND PUBLIC SCHOOLS.

Be it enacted, etc., as follows:

R. L. 44, § 4,
amended.

SECTION 1. Section four of chapter forty-four of the Revised Laws is hereby amended by striking out all after the word "guardian", in the second line, to and including the word "to", where said word first occurs in the fifth line, and inserting in place thereof the words: — and in the opinion of the school committee of the said city or town such residence is for the purpose of there attending school in preference to the place of the legal residence of his parent or guardian, the said city or town may recover from the parent or guardian for the tuition of said child, while there attending school, subject to appeal to the probate court, — so as to read as follows: — *Section 4.* If a child resides in a city or town other than that of the legal residence of his parent or guardian, and in the opinion of the school committee of the said city or town

Attendance
of children at
schools in
places other
than residence
of parents or
guardians
regulated.

such residence is for the purpose of there attending school in preference to the place of the legal residence of his parent or guardian, the said city or town may recover from the parent or guardian for the tuition of said child, while there attending school, subject to appeal to the probate court, an amount equal to the average expense of such school for each pupil during the preceding year, for a period equal to the time during which the child so attends, unless the city or town in which the parent or guardian resides is required by section three of chapter forty-two to pay for said tuition. For the tuition in the public schools in any city or town of a child between the ages of five and fifteen years who shall be placed elsewhere than in his own home by the state board of charity, or by the trustees of the Lyman and industrial schools, or kept under the control of either of said boards in said city or town, the Commonwealth shall pay to said city or town, and for such tuition of any such child so placed by the trustees for children of the city of Boston, or so kept under the control of said trustees, the city of Boston from its appropriation for school purposes, shall pay to said city or town, fifty cents for each week of five days, or major part thereof, of attendance of every such child in the public schools. For the transportation to and from a public school of any child whose tuition is payable by the Commonwealth or by the city of Boston under the provisions of this section, the Commonwealth or the city of Boston, as the case may be, shall pay to the city or town furnishing such transportation, for each week of five days or major part thereof, an amount equal to the average amount for each child paid by said city or town per week for the transportation of children to and from school over the route by which such child is conveyed. Settlements of the accounts of the several cities and towns with the Commonwealth and with the city of Boston shall be made annually on the first day of April, and the amounts found due shall be paid within three months thereafter. The money received by said cities and towns under the provisions of this section shall be applied to the support of schools. For the tuition in the public schools in any town of less than ten thousand inhabitants of any child between the ages of five and fifteen years not theretofore resident in such town, who is an inmate of an institution containing more than six inmates, said town may recover

Attendance of children at schools in places other than residence of parents or guardians regulated.

from said institution the extra school expense incurred, as may be determined jointly by the school committee of said town and the trustees or managers of said institution, or, in case of disagreement between said school committee and said trustees or managers, as may be decreed by the probate court; but no demand shall be made upon said trustees or managers without a vote of the town instructing the school committee to that effect.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1905.

Chap. 376 AN ACT RELATIVE TO THE SPEED OF CARS AND THE USE OF TRACKS OF STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows:

R. L. 112, § 40,
etc., amended.

SECTION 1. Section forty of chapter one hundred and twelve of the Revised Laws, as amended by chapter one hundred and forty-three of the acts of the year nineteen hundred and three, is hereby further amended by striking out the word "shall", in the second line, and inserting in place thereof the word:—may,—and by striking out the words "and as to the mode of use of the tracks", in the fourth line, and inserting in place thereof the words:—the manner and extent of use of tracks and the number and routes of cars which run over such tracks,—so as to read as follows:—*Section 40.* The board of aldermen or the selectmen may from time to time establish such regulations as to the rate of speed, the manner and extent of use of tracks and the number and routes of cars which run over such tracks within their city or town as the interest and convenience of the public may require, subject to the approval, revision or alteration of the board of railroad commissioners; and a street railway company whose servants or agents wilfully or negligently violate any such regulations shall forfeit not more than five hundred dollars for each offence.

Cities and towns may establish regulations as to speed of cars and use of tracks of street railway companies.

Repeal.

SECTION 2. Section forty-two of chapter one hundred and twelve of the Revised Laws is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 5, 1905.

AN ACT RELATIVE TO HAWKERS AND PEDLERS.

Chap.377

Be it enacted, etc., as follows:

Section fifteen of chapter sixty-five of the Revised Laws is hereby amended by striking out the word "fruits", in the second line, by striking out the words "agricultural products of the United States", in the fourth line, by inserting after the word "families", in the fifth line, the words:— or servants, including among such products fruits and agricultural products of the United States,— and by adding at the end of said section the words:— *provided, however,* that a person principally engaged in the pursuit of agriculture who peddles domestic fruits shall not be deemed a hawker or pedler under the provisions of this chapter,— so as to read as follows:— *Section 15.* Hawkers and pedlers may sell without a license books, newspapers, pamphlets, fuel, provisions, ice, live animals, brooms, agricultural implements, hand tools used in making boots and shoes, and the products of their own labor or of the labor of their families or servants, including among such products fruits and agricultural products of the United States, if such sale is not in violation of any ordinance or by-laws of a city or town. Cities and towns may, by ordinance or by-law not inconsistent with the provisions of this chapter, regulate the sale and exposing for sale by hawkers and pedlers of said articles, and may affix penalties for the violation thereof: *provided, however,* that a person principally engaged in the pursuit of agriculture who peddles domestic fruits shall not be deemed a hawker or pedler under the provisions of this chapter.

R. L. 65, § 15, amended.

Hawkers and pedlers may sell certain goods, etc., without a license.

Cities and towns may regulate sale, etc.

Proviso.

Approved May 5, 1905.

AN ACT TO AUTHORIZE THE CITY OF LAWRENCE TO INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES.

Chap.378

Be it enacted, etc., as follows:

SECTION 1. The city of Lawrence, for the purpose of the construction of the sewer known as the Potter's pond sewer, from Ames street through Butler street and Margin street to the intersection of Bodwell street, for the construction of the Bloody brook culvert, and for the continuation of the Osgood street sewer, may incur indebtedness beyond the limit fixed by law to an amount not

City of Lawrence may incur indebtedness beyond debt limit for sewerage purposes, issue bonds, etc.

exceeding seventy-five thousand dollars, and may issue bonds, notes or scrip therefor to that amount. Such bonds, notes or scrip shall be payable within such periods, not exceeding thirty years from the date thereof, as the city council shall determine, and, except as otherwise provided herein, the provisions of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

Payment of
loan.

SECTION 2. The city council of said city shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act, and thereafter, without further action by the city council, the amount required for such payments shall be assessed by the assessors of said city in each year in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by the city is extinguished.

SECTION 3. This act shall take effect upon its passage.

Approved May 5, 1905.

Chap.379 AN ACT RELATIVE TO THE FURNISHING OF WATER BY THE CITY OF LOWELL TO CONSUMERS IN THE TOWN OF DRACUT.

Be it enacted, etc., as follows:

1902, 404, § 4,
amended.

SECTION 1. Section four of chapter four hundred and four of the acts of the year nineteen hundred and two is hereby amended by striking out the word "three", in the fourth line, and inserting in place thereof the word: — five, — so as to read as follows: — *Section 4.* This act shall take effect upon its passage, but shall be void unless the city of Lowell shall begin to distribute water through its pipes to consumers in the town of Draent within five years after the passage of this act.

Time
extended.

SECTION 2. This act shall take effect upon its passage.

Approved May 8, 1905.

Chap.380 AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT CLERK OF THE SUPERIOR COURT FOR THE COUNTY OF SUFFOLK HAVING CHARGE OF THE EQUITY BUSINESS.

Be it enacted, etc., as follows:

Salary of
Henry E.
Bellew, assist-
ant clerk,

SECTION 1. The salary of Henry E. Bellew, the assistant clerk of the superior court for the county of Suf-

folk who has charge of the equity business, shall be five thousand dollars a year, to be so allowed from the first day of January in the year nineteen hundred and five, four thousand five hundred dollars of which shall be paid by the county of Suffolk, and five hundred dollars by the Commonwealth for services performed in respect to actions from other counties heard in Suffolk county.

superior court,
county of
Suffolk, equity
business,
established.

SECTION 2. This act shall take effect upon its acceptance by the board of aldermen of the city of Boston acting as the county commissioners of the county of Suffolk.

When to take
effect.

Approved May 8, 1905.

AN ACT TO PROVIDE FOR SUPPRESSING THE GYPSY AND BROWN TAIL MOTHS. Chap. 381

Be it enacted, etc., as follows:

SECTION 1. For the purposes of this act the pupæ, nests, eggs and caterpillars of the gypsy and brown tail moths and said moths are hereby declared public nuisances, and their suppression is authorized and required; but no owner or occupant of an estate infested by such nuisance shall by reason thereof be liable to an action, civil or criminal, except to the extent and in the manner and form herein set forth.

Gypsy and
brown tail
moths to be
suppressed,
etc.

SECTION 2. The governor, by and with the consent of the council, shall appoint a superintendent for suppressing the gypsy and brown tail moths and shall determine his salary. The governor may, with the consent of the council, remove said superintendent at any time for such cause as he shall deem sufficient. In case of the death, removal or resignation of the superintendent the governor shall forthwith appoint a successor. On or before the third Wednesday in January in each year the superintendent shall make a report of his proceedings to the general court, which shall be a public document and shall be printed. Said report shall separate so far as is practicable the expenditures on work against the gypsy moth from those on work against the brown tail moth in each city and town.

Superintendent,
appoint-
ment, salary,
etc.

Annual report.

SECTION 3. The said superintendent shall act for the Commonwealth in suppressing said moths as public nuisances, in accordance with the provisions of this act. For this purpose he shall establish an office and keep a record of his doings and of his receipts and expenditures, and

Powers and
duties.

Powers and
duties.

may make rules and regulations. He may employ such clerks, assistants and agents, including expert advisers and inspectors, as he may deem necessary and as shall be approved by the governor. He may make contracts on behalf of the Commonwealth; may act in co-operation with any person, persons, corporation or corporations, including other states, the United States or foreign governments; may conduct investigations and accumulate and distribute information concerning said moths; may devise, use and require all other lawful means of suppressing or preventing said moths; may lease real estate when he deems it necessary, and, with the approval of the board in charge, may use any real or personal property of the Commonwealth; may at all times enter upon the land of the Commonwealth or of a municipality, corporation, or other owner or owners, and may use all reasonable means in carrying out the purposes of this act; and, in the undertakings aforesaid, may, in accordance with the provisions of this act, expend the funds appropriated or donated therefor; but no expenditure shall be made or liability incurred in excess of such appropriations and donations.

Cities and
towns to
destroy eggs,
nests, etc.,
within their
limits, except,
etc.

SECTION 4. Cities and towns by such public officer or board as they shall designate or appoint, shall, under the advice and general direction of said superintendent, destroy the eggs, pupæ and nests of the gypsy and brown tail moths within their limits, except in parks and other property under the control of the Commonwealth, and except in private property, save as otherwise provided herein. When any city or town shall have expended within its limits city or town funds to an amount in excess of five thousand dollars in any one calendar year, in suppressing gypsy or brown tail moths, the Commonwealth shall reimburse such city or town to the extent of fifty per cent of such excess above said five thousand dollars.

Reimburse-
ments.

Certain cities
and towns to
be reimbursed
in part by the
Common-
wealth.

Cities or towns, where one twenty-fifth of one per cent of the assessed valuation of real and personal property is less than five thousand dollars, and where the assessed valuation of real and personal property is greater than six million dollars, shall be reimbursed by the Commonwealth to the extent of eighty per cent of the amount expended by such cities or towns of city or town funds in suppressing the gypsy and brown tail moths in any

one calendar year, in excess of said one twenty-fifth of one per cent.

In the case of towns where the assessed valuation of real and personal property is less than six million dollars, after they have expended in any one calendar year town funds to an amount equal to one twenty-fifth of one per cent of their assessed valuation of real and personal property, the Commonwealth shall expend within the limits of such towns, for the purpose of suppressing the gypsy and brown tail moths, such an amount in addition as the superintendent with the advice and consent of the governor shall recommend. Disbursements made by said last named towns in excess of said one twenty-fifth of one per cent shall be reimbursed by the Commonwealth every sixty days; but in the case of all others the Commonwealth shall reimburse cities and towns annually according to the provisions of this act.

Commonwealth to make expenditures within the limits of certain towns.

Reimbursements.

No city or town shall be entitled to any reimbursement from the Commonwealth until it has submitted to the auditor of the Commonwealth itemized accounts and vouchers showing the definite amount expended by it for the purpose of this act; nor shall any money be paid out of the treasury of the Commonwealth to cities or towns, pursuant to the provisions of this act, until said vouchers and accounts have been approved by the auditor of the Commonwealth.

Cities and towns to submit to auditor of the Commonwealth itemized accounts of expenditures, etc.

For the purposes of this section the years nineteen hundred and five and nineteen hundred and seven shall be considered half years, and the valuation for the year nineteen hundred and four shall be taken as a basis.

The years 1905 and 1907 to be considered half years, etc.

SECTION 5. When, in the opinion of the superintendent, any city or town is not expending a sufficient amount for the abatement of said nuisance, then the superintendent shall, with the advice and consent of the governor, order such city or town to expend such an amount as the superintendent shall deem necessary: *provided*, that no city or town where the assessed valuation of real and personal property exceeds six million dollars shall be required to expend during any one full year more than one fifteenth of one per cent of such valuation, and that no town where the assessed valuation of real and personal property is less than six million dollars shall be required to expend during any one full year more than one twenty-

Superintendent to order expenditures by cities and towns in certain cases.

Proviso.

fifth of one per cent of such valuation. For the purposes of this section the valuation of the year nineteen hundred and four shall be used.

Penalty.

Any city or town failing to comply with the directions of the said superintendent in the performance of said work within the date specified by him shall pay a fine of one hundred dollars a day for failure so to do; said fine to be collected by information brought by the attorney-general in the supreme judicial court for Suffolk county.

Owners of infested land to be notified, etc.

SECTION 6. The mayor of every city and the selectmen of every town shall, on or before the first day of November in each year, and at such other times as he or they shall see fit, or as the state superintendent may order, cause a notice to be sent to the owner or owners, so far as can be ascertained, of every parcel of land therein which is infested with said moths; or, if such notification appears to be impracticable, then by posting such notice on said parcels of land, requiring that the eggs, pupæ and nests of said moths shall be destroyed within a time specified in the notice.

Destruction of nests, etc., may be required only on part of premises in certain cases, etc.

When, in the opinion of the mayor or selectmen, the cost of destroying such eggs, pupæ and nests on lands contiguous and held under one ownership in a city or town shall exceed one half of one per cent of the assessed value of said lands, then a part of said premises on which said eggs, pupæ or nests shall be destroyed may be designated in such notice, and such requirement shall not apply to the remainder of said premises. The mayor or selectmen may designate the manner in which such work shall be done, but all work done under this section shall be subject to the approval of the state superintendent.

City or town may destroy nests, etc., and assess upon lands amount expended in certain cases, etc.

If the owner or owners shall fail to destroy such eggs, pupæ or nests in accordance with the requirements of the said notice, then the city or town, acting by the public officer or board of such city or town designated or appointed as aforesaid, shall, subject to the approval of the said superintendent, destroy the same, and the amount actually expended thereon, not exceeding one half of one per cent of the assessed valuation of said lands, as heretofore specified in this section, shall be assessed upon the said lands; and such an amount in addition as shall be required shall be apportioned between the city or town and the Commonwealth in accordance with the provisions of section four of this act. The amounts to be assessed

upon private estates as herein provided shall be assessed and collected, and shall be a lien on said estates, in the same manner and with the same effect as is provided in the case of assessments for street watering.

To be a lien upon estates, etc.

SECTION 7. If, in the opinion of the assessors of a city or town, any land therein has received, by reason of the abatement of said nuisances thereon by said superintendent or by said city or town, a special benefit beyond the general advantage to all land in the city or town, then the said assessors shall determine the value of such special benefit and shall assess the amount thereof upon said land: *provided*, that no such assessment on lands contiguous and held under one ownership shall exceed one half of one per cent of the assessed valuation of said lands; and *provided*, that the owner or owners shall have deducted from such assessment the amount paid and expended by them during the twelve months last preceding the date of such assessment toward abating the said nuisances on said lands, if, in the opinion of the assessors, such amount has been expended in good faith. Such assessment shall be a lien upon the land for three years from the first day of January next after the assessment has been made, and shall be collected under a warrant of the assessors to the collector of taxes of such city or town, in the manner and upon the terms and conditions and in the exercise of the powers and duties, so far as they may be applicable, prescribed by chapter thirteen of the Revised Laws relative to the collection of taxes.

Assessment of betterments.

Provisos.

To be a lien upon land, etc.

Real estate sold hereunder may be redeemed within the time, in the manner, and under the provisions of law, so far as they may be applicable, set forth in chapter thirteen of the Revised Laws for the redemption of land sold for taxes.

Redemption of real estate.

A person aggrieved by such assessment may appeal to the superior court for the county in which the land lies, by entering a complaint in said court within thirty days after he has had actual notice of the assessment, which complaint shall be determined as other causes by the court without a jury. The complaint shall be heard at the first sitting of said court for trials without a jury after its entry; but the court may allow further time, or may advance the case for speedy trial, or may appoint an auditor as in other cases. The court may revise the assessment, may allow the recovery back of an amount wrongfully

Persons aggrieved may appeal to the superior court, etc.

assessed which has been paid, may set aside, in a suit begun within three years from the date thereof, a collector's sale made under an erroneous assessment, may award costs to either party and may render such judgment as justice and equity require.

Assessments
may be abated
in certain
cases, etc.

If, in the opinion of the assessors, the owner of an estate upon which an assessment as aforesaid has been made is, by reason of age, infirmity or poverty unable to pay the assessment, they may upon application abate the same. Every city or town in rendering an account to the state auditor as provided for in section four of this act shall deduct from such amount as it has expended in excess of one twenty-fifth of one per cent or of five thousand dollars as provided in said section, the total amount it has received for work performed under section six of this act during the term covered by the account: *provided*, such work was performed under such conditions as require reimbursement in whole or in part by the state.

Proviso.

Expenditures.

SECTION 8. To meet the expenses incurred under authority of this act, there shall be allowed and paid out of the treasury of the Commonwealth, during the period up to and including May first, nineteen hundred and seven, the sum of three hundred thousand dollars. Of this amount seventy-five thousand dollars may be expended during the calendar year nineteen hundred and five; one hundred and fifty thousand dollars, and any unexpended balance of the previous year, may be expended during the calendar year nineteen hundred and six; and seventy-five thousand dollars, and any unexpended balance of the previous years, may be expended during the calendar year nineteen hundred and seven, up to and including May first.

Additional
sums may be
expended for
experimenting
with parasites,
etc.

SECTION 9. An additional sum of ten thousand dollars in each of the years nineteen hundred and five, nineteen hundred and six and nineteen hundred and seven may, in the discretion of the state superintendent, be expended by him for experimenting with parasites or natural enemies for destroying said moths, and any unexpended balance of any year may be expended in the subsequent years.

Repeal.

SECTION 10. Chapter two hundred and ten of the acts of the year eighteen hundred and ninety-one and sections one and two of chapter five hundred and forty-four of the acts of the year eighteen hundred and ninety-eight and

section two of chapter fifty-seven of the acts of the year nineteen hundred and two, are hereby repealed.

SECTION 11. A person who wilfully resists or obstructs the superintendent or an official of a city or town, or a servant or agent duly employed, while lawfully engaged in the execution of the purposes of this act, shall forfeit a sum not exceeding twenty-five dollars for each offence.

Penalty for obstructing, etc., superintendent, etc.

SECTION 12. Valuations of real and personal property of the year nineteen hundred and four shall govern the provisions of this act.

Valuations of 1904 to govern.

SECTION 13. This act shall take effect upon its passage.

Approved May 8, 1905.

AN ACT TO INCORPORATE THE FEDERAL STREET CEMETERY ASSOCIATION. *Chap. 382*

Be it enacted, etc., as follows:

SECTION 1. George Pierce, William A. Ames, Frederick E. Pierce, Martin J. Sauter, Frank H. Reed, William A. Forbes, Reuben F. Churchill, John D. Pierce and Charles B. Jackson, their associates and successors, are hereby made a corporation by the name of Federal Street Cemetery Association, for the purpose of acquiring, holding, improving and enlarging, for a place of burial of the dead, the grounds now owned and occupied by the Greenfield Village Cemetery Company, so-called, or by the proprietors thereof, situated on Federal street in the village and town of Greenfield; and said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to such corporations, except as herein otherwise provided.

Federal Street Cemetery Association incorporated.

SECTION 2. The trustees of the said Greenfield Village Cemetery Company are authorized to convey to the corporation hereby created all the right, title and interest of said company, and of the proprietors thereof, in the grounds now held by said company, and all moneys belonging to or held by them or by any officers of said company in trust for the use and benefit of said company or for the care of any lots in said cemetery, and all property or rights appertaining to said cemetery: *provided*, that a majority of the members of said company present and voting at a meeting called for such purpose shall vote so to do.

Trustees of Greenfield Village Cemetery Company may convey to corporation certain right, title, etc.

Proviso.

May hold
necessary real
estate or
personal
property.

SECTION 3. Said corporation is hereby authorized to acquire possession and control of said cemetery, and may purchase from time to time, and may acquire by gift, bequest or devise, and may hold so much real estate or personal property as may be necessary for the purposes of the corporation: *provided*, that nothing herein contained shall affect the individual rights of proprietors in said cemetery.

Proviso.

Membership.

SECTION 4. Only persons who now are or who hereafter become proprietors of lots in the land included in said cemetery, whether by deed or otherwise, and who shall sign the by-laws of said corporation, shall be members of said corporation; and whenever any person shall cease to be the proprietor of a lot, or of an interest in a lot, in said cemetery, he shall cease to be a member of the corporation.

Proceeds of
sales of lots to
be applied to
improvement,
etc.

SECTION 5. The net proceeds of sales of lots in the lands held by said corporation shall be applied to the preservation, improvement, embellishment, protection or enlargement of said cemetery, and to paying the incidental expenses thereof, and to no other purpose.

Grants,
bequests, etc.

SECTION 6. Said corporation is hereby authorized to take and hold any grant, gift or bequest of property, upon trust, to apply the same or the income thereof to the improvement, embellishment or enlargement of said cemetery, or of any lot therein, or for the erection, repair, preservation or removal of any monument, fence or other structure, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner consistent with the object of said corporation, according to the terms of such grant, gift or bequest.

Officers, care
of cemetery,
etc.

SECTION 7. Said corporation may by its by-laws provide for such officers as may be necessary, and may also provide for the care and management of the cemetery and for the sale and conveyance of lots therein, and for the care and management of any funds which it may hold, and for any other matters incident to the proper management of the corporation.

SECTION 8. This act shall take effect upon its passage.

Approved May 8, 1905.

AN ACT RELATIVE TO THE HEIGHT OF BUILDINGS IN THE CITY OF BOSTON. *Chap. 383*

Be it enacted, etc., as follows:

SECTION 1. Within thirty days after the passage of this act the mayor of the city of Boston shall appoint a commission of three members to determine, in accordance with the conditions hereinafter provided, the height of buildings within the district designated by the commission on height of buildings in the city of Boston as district B, in accordance with chapter three hundred and thirty-three of the acts of the year nineteen hundred and four.

Commission to be appointed to determine height of buildings in district B, city of Boston.

SECTION 2. Said commission shall immediately upon its appointment give notice and public hearings, and shall make an order establishing the boundaries of or otherwise pointing out such parts, if any, of said district B as it may designate in which buildings may be erected to a height exceeding eighty feet but not exceeding one hundred feet, and the height between eighty feet and one hundred feet to which buildings may so be erected, and the conditions under which buildings may be erected to said height, except that such order may provide for the erection of buildings as aforesaid to a height not exceeding one hundred and twenty-five feet in that portion of said district B which lies within fifty feet from the boundary line separating said district B from the district designated by the commission on height of buildings in the city of Boston as district A in accordance with said chapter three hundred and thirty-three, provided said boundary line divides the premises affected by such order from other adjoining premises both owned by the same person or persons, and within sixty days after its appointment shall cause the same to be recorded in the registry of deeds for the county of Suffolk. Any person who is aggrieved by such order may, within sixty days after the recording thereof, appeal to the commission for a revision; and the commission may, previous to the first day of January in the year nineteen hundred and six, revise such order, and the revision shall be recorded in the registry of deeds for the county of Suffolk and shall date back to the original date of recording. The boundaries so established shall continue for a period of fifteen years from

To give public hearings, establish boundaries, etc.

Persons aggrieved may appeal for a revision, etc.

Boundaries established to continue for fifteen years, etc.

Compensation
of commission.

Height to
which build-
ings may be
erected in
certain parts
of district B.

the date of the recording of the order made by the commission on height of buildings in the city of Boston under chapter three hundred and thirty-three of the acts of the year nineteen hundred and four. The members of the commission shall receive such compensation as the mayor shall determine.

SECTION 3. Within such parts of district B as may be designated by the commission as aforesaid (which may, except as hereinafter provided, include any parts of said district B affected by prior acts limiting the height of buildings) buildings may be erected to the height fixed by the commission as aforesaid, exceeding eighty feet but not exceeding one hundred feet, or one hundred and twenty-five feet as hereinbefore provided, and subject to such conditions as may be fixed as aforesaid by the commission; but within the following described territory, to wit:—Beginning at the corner of Beacon street and Hancock avenue, thence continuing westerly on Beacon street to Joy street, thence continuing northerly on Joy street to Myrtle street, thence continuing easterly on Myrtle street to Hancock street, thence continuing southerly on Hancock street and Hancock avenue to the point of beginning, no building shall be erected to a height greater than seventy feet, measured on its principal front, and no building shall be erected on a parkway, boulevard or public way on which a building line has been established by the board of park commissioners or by the board of street commissioners, acting under any general or special statute, to a greater height than that allowed by the order of said boards; and no building upon land any owner of which has received and retained compensation in damages for any limitation of height or who retains any claim for such damages shall be erected to a height greater than that fixed by the limitation for which such damages were received or claimed.

Limitations
not to apply to
churches,
steeple, etc.

SECTION 4. No limitations of the height of buildings in the city of Boston shall apply to churches, steeples, towers, domes, cupolas, belfries or statuary not used for purposes of habitation, nor to chimneys, gas holders, coal or grain elevators, open balustrades, skylights, ventilators, flagstaves, railings, weather vanes, soil pipes, steam exhausts, signs, roof houses not exceeding twelve feet square and twelve feet high, nor to other similar constructions

such as are usually erected above the roof line of buildings.

SECTION 5. This act shall take effect upon its passage.

Approved May 8, 1905.

AN ACT RELATIVE TO THE RELEASE OF PERSONS ARRESTED FOR DRUNKENNESS. *Chap. 384*

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and twelve of the Revised Laws is hereby amended by striking out section thirty-seven and inserting in place thereof the following: — *Section 37.* Whoever arrests a person for drunkenness shall make a complaint against him therefor at the next session of the court or of the trial justice having jurisdiction of the case; and such court or trial justice may proceed to hear and to dispose of the same according to due course of law; and may, if the accused has been released under the provisions of this section, order the issuance of a warrant for the arrest, or a summons for the appearance, of the accused for trial, or if the court is satisfied by the report of its probation officer, or otherwise, or if the trial justice is satisfied upon inquiry that the accused has not twice before been arrested for drunkenness within a year, and that his statement in writing hereinafter mentioned is true, the court or trial justice may thereupon direct that the accused, if still in custody, be released without arraignment; and if not in custody, that further proceedings in the case be suspended or that the complaint be dismissed.

R. L. 212, § 37, amended.

Persons arrested for drunkenness may be released in certain cases, etc.

A person so arrested may, after he has recovered from his intoxication, make a statement in writing, addressed to the court or trial justice having jurisdiction of his offence, giving his name and address, setting forth what persons, if any, are dependent upon him for support, his place of employment, if any, and whether he has been arrested for drunkenness within the twelve months next preceding, and requesting to be released from custody; and may deliver said statement to the officer in charge of the place in which he is confined, who shall indorse thereon the name of the arresting officer, and if the arrest is made within the jurisdiction of a trial justice, his opinion of the probable truth of said statement for the

Persons so arrested may make a statement in writing and request to be released from custody, etc.

Persons so arrested may make a statement in writing and request to be released from custody, etc.

use of such trial justice, and shall transmit the same to such trial justice; and if the arrest is made within the jurisdiction of a court having a probation officer, the officer in charge of the place in which he is confined shall transmit such statement to said probation officer. Said probation officer, or his assistants, shall forthwith inquire into the truth thereof and shall investigate the record of said person as to previous similar offences, and, for the use of the court having jurisdiction of the case, shall indorse on such statement, with his signature, the result of his investigation. The officer for the time being in charge of the place of custody in a town where no probation officer resides forthwith may release, and elsewhere the probation officer or assistant probation officer of the court having jurisdiction of the offence may direct the officer in charge of the place of custody forthwith to release, and such officer so in charge shall thereupon release, such arrested person pursuant to his request: *provided*, that the officer so releasing or directing the release believes that the person arrested has given his true name and address, that he will appear upon a summons, and that he has not twice before been arrested for drunkenness within the preceding twelve months.

Proviso.

Persons arrested for drunkenness to be informed of their right to make statement, etc.

SECTION 2. The officer in charge of the place of custody in which a person arrested for drunkenness is confined shall inform him, when he has recovered from his intoxication, of his right to make a statement in writing and request for release as aforesaid, and an officer making an arrest under the authority of the preceding section shall not be liable for illegal arrest or imprisonment, if the person arrested is released at his request as herein provided.

Approved May 8, 1905.

Chap. 385 AN ACT TO PROVIDE FOR THE ABOLITION OF CERTAIN GRADE CROSSINGS AND FOR OTHER RAILROAD IMPROVEMENTS IN THE CITY OF LOWELL.

Be it enacted, etc., as follows:

The Boston and Lowell Railroad Corporation to abolish certain grade crossings in Lowell, etc.

SECTION 1. The Boston and Lowell Railroad Corporation, the Boston and Maine Railroad, lessee, is hereby required within three months after the passage of this act to abolish the grade crossings of said Boston and Lowell railroad over Middlesex and Thorndike streets east of the Middlesex street station in the city of Lowell, and at its

own expense to remove its tracks from said streets, and to grade and pave the parts of said streets from which said tracks are removed, in such manner as shall correspond with the general surface of said streets, and to the reasonable satisfaction of the superintendent of streets of said city.

SECTION 2. In order to maintain communication between its main line south of Middlesex street and its tracks and sidings along the easterly side of Dutton street and the various manufacturing establishments connected therewith, the Boston and Lowell Railroad Corporation, its successors, lessees and assigns, shall have the right to run its engines, cars and trains over the tracks of the Nashua and Lowell Railroad Corporation, its successors, lessees and assigns, lying easterly and southerly of Dutton street and northerly of Western avenue as far as the intersection of said tracks with the main line of said Nashua and Lowell railroad, and thence northerly and southerly along said main line between the location of the said Boston and Lowell railroad at the Middlesex street station and a point eighteen hundred feet northerly of said intersection. After the termination of the present lease of the said Nashua and Lowell railroad to said Boston and Lowell Railroad Corporation, the said Boston and Lowell Railroad Corporation, its lessees and assigns, shall pay to said Nashua and Lowell Railroad Corporation, its successors and assigns, a reasonable compensation for the use of said tracks, the amount thereof, in case of disagreement, to be determined by the board of railroad commissioners, or otherwise as may be provided by law.

May run its trains, etc., over tracks of the Nashua and Lowell Railroad Corporation, etc.

SECTION 3. The Boston and Lowell Railroad Corporation, the Boston and Maine Railroad, lessee as aforesaid, shall construct suitable tracks and switches to connect the tracks and sidings of the Boston and Lowell Railroad Corporation now located along the northerly side of Jackson street in said Lowell with the tracks and sidings of the said corporation now located along the easterly side of Dutton street, in such a manner that the manufacturing establishments connected with said tracks on Jackson street shall suffer no substantial diminution in the efficiency of their freight service, and if, in order to make such connections, it shall become necessary to widen or otherwise alter the present bridge of the Boston and Lowell Railroad Corporation over the Pawtucket canal

To construct tracks, switches, etc.

Alterations may be made in bridge over the Pawtucket canal, etc.

- east of Thorndike street, the Boston and Lowell Railroad Corporation, the Boston and Maine Railroad, lessee as aforesaid, shall, without in any manner obstructing the free flow of water through said canal or the free passage of boats and rafts therein, make such alterations as are required, and shall pay to the Proprietors of the Locks and Canals on Merrimack River the amount, if any, of the damage caused thereby, such amount to be assessed in the manner provided by general laws for assessing damages where land is taken for a highway.
- Damages.**
- Certain passenger station may be abandoned, etc.**
- SECTION 4.** In order to facilitate the abolition of said grade crossings, and as soon as the tracks shall be removed from Thorndike and Middlesex streets, as provided in section one, the Boston and Lowell Railroad Corporation and the Boston and Maine Railroad, its lessee, may abandon the passenger station situated at the northerly terminus of the main line of said Boston and Lowell railroad at Merrimack street in said Lowell and discontinue running passenger trains thereto: *provided, however*, that the right herein granted to abandon the said station, and to discontinue the running of trains thereto, shall be and the same is hereby expressly made conditional upon the due performance by said railroad corporations or either of them of the respective obligations placed upon them by the provisions of the following section.
- Proviso.**
- SECTION 5.** The said Boston and Lowell Railroad Corporation shall, within three months after the abandonment of said Merrimack street station, take by purchase or otherwise all the land lying easterly of the Middlesex street station between Middlesex, Thorndike and Chelmsford streets and said Boston and Lowell Railroad Corporation, the Boston and Maine Railroad, lessee as aforesaid, shall grade the same in such manner as to make a wide, safe and convenient approach for vehicles and pedestrians to the easterly side of said Middlesex street station, and shall pay the owner or owners of land so taken, damages to be assessed in the manner provided by general laws for assessing damages where land is taken for a highway.
- To take certain land, etc.**
- Damages.**
- Enforcement of certain provisions.**
- SECTION 6.** In case the said Boston and Lowell Railroad Corporation and the said Boston and Maine Railroad, lessee as aforesaid, shall abandon the said Merrimack street station in accordance with the right hereby conferred, and either or both of them shall thereafter fail to perform the conditions imposed upon said corporations by section five

of this act, the supreme judicial court or the superior court shall have jurisdiction in equity upon petition of the city of Lowell to compel the performance thereof.

SECTION 7. This act shall take effect upon its passage.

Approved May 9, 1905.

AN ACT RELATIVE TO ELECTIONS AND CAUCUSES.

Chap. 386

Be it enacted, etc., as follows:

SECTION 1. The first sentence of section seventy-three of chapter eleven of the Revised Laws is hereby amended by striking out the word "six", in the second line, and inserting in place thereof the word:—eight,—and by striking out the word "tenth", in the third line, and inserting in place thereof the word:—twelfth,—so that the first sentence of said section as amended will read as follows:—*Section 73.* Said board shall, between the fifteenth day of June and the first day of October in the year nineteen hundred and eight, and in every twelfth year thereafter, make a new general register of the qualified male voters, which shall be prepared in the manner provided by law for preparing general registers.

R. L. 11, § 73,
amended.

Election com-
missioners of
Boston to
make general
register of
voters.

SECTION 2. Section one hundred and eight of said chapter, as amended by section seven of chapter four hundred and seventy-four of the acts of the year nineteen hundred and three, is hereby further amended by inserting after the word "paper", in the twenty-second line, the words:—in Boston, and no nomination paper in any other city or town,—and after the word "candidates", in the twenty-fifth line, the words:—in Boston, and no such vacancy in any other city or town, except for a delegate or delegates to a convention,—so as to read as follows:—*Section 108.* Nominations of candidates for elective offices, for delegates to a convention, for caucus officers, and for a ward or town committee to be voted for at a caucus, shall be made by nomination papers, as hereinafter provided. Such nominations shall be made on the blank nomination papers prepared and delivered in accordance with the preceding section; and no nomination paper offered for filing shall be received or shall be valid to which is attached any card, paper or other device containing the name of a candidate, his written acceptance, or the signature of any voter required by this section. Such papers shall be signed in person by at least

R. L. 11, § 108,
etc., amended.

Nominations
to be made by
nomination
papers.

Signatures,
etc.

five voters of the ward or town in which the caucus is to be held, who shall be members of the political party holding the caucus, and who shall add to their signatures the street and number, if any, of their residences. Such papers for a district composed of more than one ward or town shall be signed by a number of voters equal in the aggregate to not less than five voters for each ward or town in said district. Nomination papers shall not contain a larger number of names of candidates than there are persons to be elected. No nomination paper in Boston, and no nomination paper in any other city or town, except for a delegate or delegates to a convention, shall be valid in respect to any candidate whose written acceptance is not thereon. No vacancy caused by the death, withdrawal or ineligibility of any of the above candidates in Boston, and no such vacancy in any other city or town, except for a delegate or delegates to a convention, shall be filled in the manner provided by law, unless the person entitled to fill such vacancy files the written acceptance of the candidate who is nominated to fill the vacancy.

Acceptances of candidates to be in writing.

R. L. 11, § 149, amended.

Nominations to be deemed valid unless objected to, etc.

SECTION 3. Said chapter eleven is hereby further amended by striking out section one hundred and forty-nine and inserting in place thereof the following:—*Section 149.* When certificates of nomination and nomination papers have been filed, and are in apparent conformity with law, they shall be valid unless objections thereto are made in writing. Such objections to nominations of candidates for state offices shall be filed with the secretary of the Commonwealth, for city offices with the city clerk, or in Boston with the election commissioners, and for town offices with the town clerk; and in the case of state offices within the seventy-two week-day hours, in the case of city offices within the forty-eight week-day hours, and in the case of town offices within the twenty-four week-day hours, succeeding five o'clock in the afternoon of the last day fixed for the filing of nomination papers for such offices.

R. L. 11, § 151, amended.

Withdrawal of names of candidates.

SECTION 4. Said chapter eleven is hereby further amended by striking out section one hundred and fifty-one and inserting in place thereof the following:—*Section 151.* A person nominated as a candidate for any state, city or town office may withdraw his name from nomination by a request in writing signed by him and acknowledged before a justice of the peace and filed with

the officer with whom the nomination was filed, in the case of a state office within the seventy-two week-day hours, in the case of a city office within the forty-eight week-day hours, and in the case of a town office within the twenty-four week-day hours, succeeding five o'clock in the afternoon of the last day fixed for the filing of nomination papers for such office.

SECTION 5. Said chapter eleven is hereby further amended by striking out section one hundred and fifty-two and inserting in place thereof the following: — *Section 152.* If a candidate nominated for a state, city or town office dies before the day of election, or withdraws his name from nomination, or is found to be ineligible, the vacancy may be filled by the same political party or persons who made the original nomination, and in the same manner; or, if the time is insufficient therefor, the vacancy may be filled, if the nomination was made by a convention or caucus, in such manner as the convention or caucus may have prescribed, or, if no such provision has been made, by a regularly elected general or executive committee representing the political party or persons who held such convention or caucus. If a vacancy is caused by withdrawal, certificates of nomination made otherwise than in the original manner shall be filed within seventy-two week-day hours in the case of state offices, or within forty-eight week-day hours in the case of city or town offices, succeeding five o'clock in the afternoon of the last day for filing withdrawals. They shall be open to objections in the same manner, so far as practicable, as other certificates of nomination. No vacancy caused by withdrawal shall be filled before the withdrawal has been filed.

R. L. 11, § 152, amended.

Nominations to fill vacancies caused by death, withdrawal, etc.

SECTION 6. Said chapter eleven is hereby further amended by striking out section one hundred and seventy-one, as amended by section nine of chapter four hundred and fifty-four of the acts of the year nineteen hundred and three, and inserting in place thereof the following: — *Section 171.* The mayor of every city, except Boston, shall annually, with the approval of the board of aldermen, appoint as election officers for each voting precinct, one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors, who shall, at the time of their appointment, be qualified voters in the ward of which such precinct forms a part. He may, in like manner, appoint two inspectors and two

R. L. 11, § 171, etc., amended.

Election officers in cities, except Boston, appointment, etc.

deputy inspectors in addition. Every such nomination shall be filed in the office of the city clerk of such city in the month of August, and on or before the thirty-first day of said month, and shall be acted upon by the board of aldermen not less than three days after the filing of such nomination and on or before the second Monday in September following. Such nomination shall be open to public inspection.

R. L. 11, § 173,
etc., amended.

Election
officers, politi-
cal representa-
tion.

Term of office.

Removal.

R. L. 11, § 175,
etc., amended.

Vacancy
in number of
election
officers, ap-
pointment, etc.

SECTION 7. Section one hundred and seventy-three of said chapter eleven, as amended by section nine of chapter four hundred and fifty-four of the acts of the year nineteen hundred and three, is hereby further amended by striking out the word "first", in the tenth line, and inserting in place thereof the word: — fifteenth, — so as to read as follows: — *Section 173.* Such election officers shall be so appointed as equally to represent the two leading political parties, except that, without disturbing the equal representation of such parties, not more than two of such election officers not representing either of them may be appointed. The warden shall be of a different political party from the clerk, and not more than one half of the inspectors shall be of the same political party. In each case the principal officer and his deputy shall be of the same political party. Every election officer shall hold office for one year, beginning with the fifteenth day of September succeeding his appointment, and until his successor is appointed and qualified, or until his removal. An election officer may be removed by the mayor, with the approval of the aldermen, or by the selectmen after a hearing, upon written charges of incompetence or official misconduct preferred by the city or town clerk or by not less than six voters of the ward, or, in a town, of the voting precinct in which the officer is appointed to act.

SECTION 8. Section one hundred and seventy-five of said chapter eleven, as amended by section nine of chapter four hundred and fifty-four of the acts of the year nineteen hundred and three, is hereby further amended by adding at the end of said section the words: — Appointments to fill vacancies may be acted upon immediately by the board of aldermen, — so as to read as follows: — *Section 175.* If a vacancy in the number of the election officers occurs before the twentieth day of September in any year, or, in a city, after the annual state election and one week at least before the annual city election, or if an

election officer declines his appointment and gives notice thereof to the city or town clerk before the twentieth day of September, or, if at a special election the office of an election officer is vacant, the mayor, with the approval of the aldermen, or the selectmen, shall fill the vacancy; and the appointment shall be so made as to preserve the equal representation of the two leading political parties. Appointments to fill vacancies may be acted upon immediately by the board of aldermen.

SECTION 9. Section three hundred and twenty-four of said chapter eleven is hereby amended by striking out the first nine lines and inserting in place thereof the words: — At the annual state election in the year nineteen hundred and five, and every tenth year thereafter, nine commissioners shall be elected for the county of Suffolk, for the performance of the duties specified in section four hundred and twenty-six. Five of said commissioners shall be residents of and voters in the city of Boston and shall be elected by the voters of that city; two shall be residents of and voters in the city of Chelsea and shall be elected by the voters of that city; one shall be a resident of and a voter in the town of Winthrop and shall be elected by the voters of that town; and one shall be a resident of and a voter in the town of Revere and shall be elected by the voters of that town, — so as to read as follows: — *Section 324.* At the annual state election in the year nineteen hundred and five, and every tenth year thereafter, nine commissioners shall be elected for the county of Suffolk, for the performance of the duties specified in section four hundred and twenty-six. Five of said commissioners shall be residents of and voters in the city of Boston and shall be elected by the voters of that city; two shall be residents of and voters in the city of Chelsea and shall be elected by the voters of that city; one shall be a resident of and a voter in the town of Winthrop and shall be elected by the voters of that town; and one shall be a resident of and a voter in the town of Revere and shall be elected by the voters of that town. Said commissioners shall hold office for one year from the first Wednesday of January next after their election. At their first meeting, they shall organize by choosing a chairman, who shall be one of their number, and a clerk. The city of Boston shall provide them with a suitable office and room for hearings and shall allow and pay to them not

R. L. II, § 324,
amended.

Commissioners
to apportion
Suffolk county
into districts,
election, etc.

Term of office,
organization,
etc.

more than seven hundred dollars for clerk hire, stationery and incidental expenses.

Filling of vacancies caused by withdrawal, etc., of candidates nominated by direct nomination.

SECTION 10. In the event of the withdrawal or death of any candidate of a political party nominated by direct nomination for any office, there shall be deemed to be a vacancy, which may be filled by a regularly elected general or executive committee representing the election district in which such vacancy occurs, or, if no such committee exists, by the members of the ward and town committees in the wards and towns comprising such district.

Committees of political and municipal parties to give notice of intention to participate in primaries, etc.

SECTION 11. Notices of intention to participate in primaries shall be furnished by the city and town committees of such political and municipal parties as are entitled to and desire to participate therein not less than twenty-two days prior to the day on which the primaries are to be held, to the election commissioners in Boston, the city clerk in other cities or the town clerk in towns. Said notices shall state the number of delegates to be chosen to each convention and the number of members of a ward or town committee to be elected in each ward or town.

Objections to nomination papers, etc., by whom considered.

SECTION 12. Objections to nomination papers, and all other questions relating thereto, shall be considered in Boston by the ballot law commission of said city; in other cities by the board of registrars, the city clerk and the city solicitor; and in towns by the board of registrars.

Officers to serve at primaries may be designated, etc.

SECTION 13. The election commissioners in Boston, the city clerks in other cities, and the town clerks in towns may designate two inspectors and two deputy inspectors, representing the two leading political parties, instead of a larger number, to serve at the primaries, and from the whole body of election officers they may designate officers equally representing the two leading political parties to serve as tellers in any precinct or ward during part of the day for the purpose of receiving ballots, checking names, or canvassing and counting votes, such tellers to receive such part of a full day's compensation of election officers as the election commissioners in Boston, the board of aldermen in other cities, or the selectmen in towns, may determine.

1903, 454, § 13, amended.

SECTION 14. Chapter four hundred and fifty-four of the acts of the year nineteen hundred and three is hereby amended by striking out section thirteen and inserting in place thereof the following: — *Section 13.* The election

commissioners in Boston, the city clerks in other cities, and town clerks in towns, shall canvass the returns of votes, determine the results, issue proper certificates thereof to the successful candidates, and notify the chairmen of the city or town committees of the respective parties as to the persons who have been elected delegates to conventions and members of ward and town committees.

Canvass of returns of votes cast at primaries, etc.

They shall also certify to the facts required by law as to certificates of nominations of representatives to the general court, and shall file such certificates with the secretary of the Commonwealth on or before the Thursday designated by law therefor.

Certificates of nomination to be filed with secretary of the Commonwealth.

SECTION 15. Said chapter is hereby further amended by adding to section fourteen the following: — and the city or town clerk, or in Boston the board of election commissioners, shall notify the chairman or secretary of the committee of the political party interested.

1903, 454, § 14, amended.

Chairman or secretary of committee to be notified.

SECTION 16. Section sixteen of said chapter is hereby amended by striking out the said section and inserting in place thereof the following: — *Section 16.* In Boston conventions to nominate candidates for school committee shall be called for and held on the eighth day after the primaries before the city election; certificates of nomination by such conventions shall be filed before five o'clock in the afternoon of the ninth day after said primaries. Nomination papers for city offices shall be filed before five o'clock in the afternoon of the eleventh day after said primaries; objections to and withdrawals from nominations of candidates for city offices shall be filed before five o'clock in the afternoon of the thirteenth day after said primaries; certificates of nomination to fill vacancies caused by withdrawals therefrom shall be filed before five o'clock in the afternoon of the fifteenth day after said primaries.

1903, 454, § 16, amended.

Nomination of candidates for school committee in Boston.

Nomination papers for city offices, filing, objections and withdrawals, etc.

SECTION 17. In any city or town which has adopted or may have adopted said chapter, the following question shall be put on the official ballot at any city election or annual meeting on petition of five per cent of the voters registered at the time of the preceding city election or annual meeting of a town, filed on or before the last day of filing nomination papers: — "Shall joint caucuses or primaries continue to be held in this city (or town)?" In any city or town not nominating by primaries the fol-

Question of holding primaries may be submitted to voters.

lowing question may, by similar petition, be put on the ballot at the next city election or annual meeting:—
 “Shall joint caucuses or primaries be held in this city (or town) under the provisions of chapter four hundred and fifty-four of the acts of the year nineteen hundred and three as amended by chapter of the acts of the year nineteen hundred and five?” In the event of an affirmative or negative vote on these questions, primaries shall or shall not thereafter be held accordingly.

Repeal.

SECTION 18. Chapter three hundred and seventy-seven of the acts of the year nineteen hundred and four and all other acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 19. This act shall take effect upon its passage.

Approved May 10, 1905.

Chap.387 AN ACT TO AUTHORIZE THE TOWN OF DOUGLAS TO LAY OUT SPECIAL TOWN WAYS FOR THE USE OF STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows:

Town of Douglas may lay out special town ways for certain rail-ways, etc.

SECTION 1. The town of Douglas may lay out special town ways for railways operated by any motive power except steam. Such ways may cross highways and town ways, at grade or otherwise, and shall be laid out, altered and discontinued in the manner provided by law in the case of town ways, except that the selectmen shall exercise the powers conferred on the road commissioners, if any such commissioners are chosen by the town, and that there shall be no appeal to the county commissioners; and the rights and remedies of all persons interested shall be the same, so far as they may be applicable, as those provided in the case of laying out town ways. There may be included in such ways land necessary or convenient for approaches, and for buildings or other structures used in the operation of such railways.

Selectmen may grant locations, etc.

SECTION 2. The selectmen of the town may grant locations in such ways to street railway companies, subject to the terms, conditions and obligations provided by law in the case of grants of locations to street railway companies in public streets, and may require any company to which a location is granted to pay for the same such amounts and in such manner as the railroad commissioners shall approve, but no grant of location shall take effect

until approved by vote of the town. In granting any location the selectmen may require of the company receiving the same, security to the town, by bond or otherwise, that the company will perform and observe the terms and conditions imposed by such grant. Any street railway company organized under general or special law and having authority to operate a street railway in the town may, if it obtains a location as above provided, construct, maintain and operate its road over such special town ways. The town shall be under no obligation to perform any work of construction, but may do such work as it deems expedient.

SECTION 3. Such special town ways shall be used only for the purpose stated in the first section, except that drains, pipes, tubes and conduits for water, gas, electric wires and other like objects, and poles for wires and cables, may be laid, erected and maintained therein as in the public streets. Town ways and highways may be laid out, altered or located anew across any special town way at grade or otherwise. The said town shall not be liable for any defect in a special town way, and shall not be obliged to keep the same in repair.

Purpose for which special town ways may be used, etc.

SECTION 4. When any person is cut off by a special town way from access to lands owned by him the selectmen shall, after due notice to the parties in interest and a hearing, establish a crossing, and shall make from time to time all reasonable orders as to the construction, maintenance and use thereof, and shall apportion the expense of construction, and from time to time the expense of maintenance, between the town and the street railway companies using the way, as justice may require. Any such crossing, if it has become unnecessary or inconvenient, may be abolished by the selectmen after due notice to the parties in interest and a hearing; but no crossing shall be abolished without the consent of any person who would thereby be cut off from access to his lands, until another crossing established in the manner herein provided is substituted. Any person aggrieved by any action or failure to act on the part of the selectmen in relation to any such crossing may appeal to the railroad commissioners by petition filed within three months after the action complained of, or within six months after application is first made to the selectmen if they have failed for two months to take final action thereon; and the railroad commission-

Crossings may be established or abolished in certain cases.

Persons aggrieved may appeal to railroad commissioners, etc.

Enforcement
of orders.

Douglas
Special Town
Way Loan.

ers, after due notice to the parties in interest and a hearing, shall make such order as the selectmen might have made. The superior court sitting in equity shall have jurisdiction to enforce any order made by the selectmen or railroad commissioners as above provided.

SECTION 5. For the purpose of paying and discharging all necessary expenses and liabilities incurred under the provisions of this act the said town shall have authority from time to time to issue bonds to such an amount, not in excess of the debt limit of the town, as shall be approved by the board of railroad commissioners, but such approval shall not be given until after said board has given a public hearing to all parties interested, including citizens and taxpayers of the town, of which hearing thirty days' public notice shall be given in the manner and to the extent required in warning the citizens of a town meeting in said town, and, after such hearing, has certified that such issue of bonds is required by public necessity and convenience and by the interests of the town. Such bonds shall be signed by the treasurer and countersigned by a majority of the selectmen, shall be payable at periods not exceeding twenty years from the dates of issue, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall bear on their face the words, Douglas Special Town Way Loan. The town may sell such bonds at public or private sale or pledge the same for money borrowed for the purposes of this act: *provided*, that none of such bonds shall be sold for less than their par value. Said town, instead of establishing a sinking fund, shall at the time of authorizing the loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the net amount required under the provisions of this and the following section shall, without further vote, be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan is extinguished.

Proviso.
Payment of
loan.

Certain income
to be applied
to payment of
interest, etc.

SECTION 6. Said town shall each year apply the net income and receipts derived from the grants of locations to the payment of said interest, and the remainder, if there be any, of such net income and receipts, it shall apply, so far as may be necessary, toward the annual proportionate payments required by the preceding section,

and the amount so applied or paid shall be deducted from the sums which would otherwise be required to be raised by taxation.

SECTION 7. Nothing shall be done under this act until it has been accepted at a town meeting called for the purpose. After the town has accepted this act no grant by the selectmen to a street railway company of a location in any public street in the town shall take effect until approved by vote of the town.

Nothing to be done until accepted by town.

SECTION 8. Except as otherwise provided herein this act shall take effect upon its passage.

When to take effect.

Approved May 10, 1905.

AN ACT TO AUTHORIZE THE TOWN OF SUTTON TO LAY OUT SPECIAL TOWN WAYS FOR THE USE OF STREET RAILWAY COMPANIES.

Chap. 388

Be it enacted, etc., as follows:

SECTION 1. The town of Sutton may lay out special town ways for railways operated by any motive power except steam. Such ways may cross highways and town ways, at grade or otherwise, and shall be laid out, altered and discontinued in the manner provided by law in the case of town ways, except that the selectmen shall exercise the powers conferred on the road commissioners, if any such commissioners are chosen by the town, and that there shall be no appeal to the county commissioners; and the rights and remedies of all persons interested shall be the same, so far as they may be applicable, as those provided in the case of laying out town ways. There may be included in such ways land necessary or convenient for approaches, and for buildings or other structures used in the operation of such railways.

Town of Sutton may lay out special town ways for certain railways, etc.

SECTION 2. The selectmen of the town may grant locations in such ways to street railway companies, subject to the terms, conditions and obligations provided by law in the case of grants of locations to street railway companies in public streets, and may require any company to which a location is granted to pay for the same such amounts and in such manner as the railroad commissioners shall approve, but no grant of location shall take effect until approved by vote of the town. In granting any location the selectmen may require of the company receiving the same, security to the town, by bond or otherwise,

Selectmen may grant locations, etc.

that the company will perform and observe the terms and conditions imposed by such grant. Any street railway company organized under general or special law and having authority to operate a street railway in the town may, if it obtains a location as above provided, construct, maintain and operate its road over such special town ways. The town shall be under no obligation to perform any work of construction, but may do such work as it deems expedient.

Purpose for which special town ways may be used, etc.

SECTION 3. Such special town ways shall be used only for the purpose stated in the first section, except that drains, pipes, tubes and conduits for water, gas, electric wires and other like objects, and poles for wires and cables, may be laid, erected and maintained therein as in the public streets. Town ways and highways may be laid out, altered or located anew across any special town way at grade or otherwise. The said town shall not be liable for any defect in a special town way, and shall not be obliged to keep the same in repair.

Crossings may be established or abolished in certain cases.

SECTION 4. When any person is cut off by a special town way from access to lands owned by him, the selectmen shall, after due notice to the parties in interest and a hearing, establish a crossing, and shall make from time to time all reasonable orders as to the construction, maintenance and use thereof, and shall apportion the expense of construction, and from time to time the expense of maintenance, between the town and the street railway companies using the way, as justice may require. Any such crossing, if it has become unnecessary or inconvenient, may be abolished by the selectmen after due notice to the parties in interest and a hearing; but no crossing shall be abolished without the consent of any person who would thereby be cut off from access to his lands, until another crossing established in the manner herein provided is substituted.

Persons aggrieved may appeal to railroad commissioners, etc.

Any person aggrieved by any action or failure to act on the part of the selectmen in relation to any such crossing may appeal to the railroad commissioners by petition filed within three months after the action complained of, or within six months after application is first made to the selectmen if they have failed for two months to take final action thereon; and the railroad commissioners, after due notice to the parties in interest and a hearing, shall make such order as the selectmen might have made. The superior court sitting in equity shall have jurisdiction to

enforce any order made by the selectmen or railroad commissioners as above provided.

SECTION 5. For the purpose of paying and discharging all necessary expenses and liabilities incurred under the provisions of this act the said town shall have authority from time to time to issue bonds to such an amount, not in excess of the debt limit of the town, as shall be approved by the board of railroad commissioners, but such approval shall not be given until after said board has given a public hearing to all parties interested, including citizens and taxpayers of the town, of which hearing thirty days' public notice shall be given in the manner and to the extent required in warning the citizens of a town meeting in said town, and, after such hearing, has certified that such issue of bonds is required by public necessity and convenience and by the interests of the town. Such bonds shall be signed by the treasurer and countersigned by a majority of the selectmen, shall be payable at periods not exceeding twenty years from the dates of issue, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall bear on their face the words, Sutton Special Town Way Loan. The town may sell such bonds at public or private sale or pledge the same for money borrowed for the purposes of this act: *provided*, that none of such bonds shall be sold for less than their par value. Said town, instead of establishing a sinking fund, shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the net amount required under the provisions of this and of the following section shall, without further vote, be assessed by the assessors of the town in each year thereafter until the debt incurred by said loan is extinguished.

Sutton Special
Town Way
Loan.

Proviso.

Payment of
loan.

SECTION 6. Said town shall each year apply the net income and receipts derived from the said grants of locations to the payment of said interest, and the remainder, if there be any, of such net income and receipts, it shall apply, so far as may be necessary, toward the annual proportionate payments required by the preceding section, and the amount so applied or paid shall be deducted from the sums which would otherwise be required to be raised by taxation.

Certain income
to be applied
to payment of
interest, etc.

Nothing to be done until accepted by town.

SECTION 7. Nothing shall be done under this act until it has been accepted at a town meeting called for the purpose. After the town has accepted this act no grant by the selectmen to a street railway company of a location in any public street in the town shall take effect until approved by vote of the town.

When to take effect.

SECTION 8. Except as otherwise provided herein this act shall take effect upon its passage.

Approved May 10, 1905.

Chap. 389 AN ACT TO PROVIDE FOR AN INCREASED WATER SUPPLY FOR THE CITY OF LAWRENCE.

Be it enacted, etc., as follows:

City of Lawrence may increase its water supply.

SECTION 1. The city of Lawrence, acting through its mayor and aldermen, shall forthwith increase the capacity of its works for filtering the water of the Merrimac river to such an extent as to insure at all times a sufficient quantity of water for the use of the public in that city, or it may take water from any spring, pond or well, in Andover, North Andover, Tewksbury or North Reading: *provided*, that no source of water supply for domestic purposes shall be taken or used under this act without the approval of the state board of health, and that the location of all filter galleries and wells, and the design of filters, shall be approved by the state board of health; and *provided, further*, that if water shall be taken directly from any pond or stream other than the Merrimac river, it shall be used only for the period of one year from the date of the passage of this act, and only in such quantities as the state board of health may deem necessary.

Provisos.

May issue bonds, notes or scrip, etc.

SECTION 2. Said city is hereby authorized and directed to raise and appropriate, in such manner as the city council shall determine, such sums of money as shall be requisite for carrying out the provisions of this act; and, if the city council shall so determine, the city may incur indebtedness for the purpose of obtaining money to such an amount as may be necessary for carrying out the provisions of this act, and may issue bonds, notes or scrip therefor.

Damages.

SECTION 3. The city of Lawrence shall pay all damages to property that may be sustained by any person or persons by the taking of the waters of any stream or pond

as authorized by this act, or in so far as the said city may diminish the flow in any stream or pond, or by the taking of any land, rights of way or easements, or by the erection of dams or the construction of any aqueducts, water ways or other works for the purposes of this act; and such damages shall be assessed and determined in the manner provided by chapter forty-eight of the Revised Laws.

SECTION 4. The towns of Andover, North Andover and Methuen, or any one of them, are hereby authorized to contract with the city of Lawrence, for a supply of water upon such terms and for such periods of time, not exceeding one year from the date of the passage of this act, as may be agreed upon by the mayor and aldermen of said city and by the selectmen of the town entering into the contract.

Certain towns may contract for supply of water.

SECTION 5. The supreme judicial court shall have jurisdiction to enforce the provisions of this act.

Enforcement of provisions.

SECTION 6. This act shall take effect upon its passage.

Approved May 10, 1905.

AN ACT TO EXTEND TO TOWNS CERTAIN POWERS RELATIVE TO TAKING LAND BY RIGHT OF EMINENT DOMAIN.

Chap. 390

Be it enacted, etc., as follows:

SECTION 1. The powers and duties conferred and imposed upon cities by chapter four hundred and forty-three of the acts of the year nineteen hundred and four are hereby conferred and imposed upon towns, and towns shall have the same right and authority to take property by right of eminent domain which are conferred by the said chapter upon cities. The powers and duties hereby conferred and imposed upon towns shall be exercised and performed by the selectmen, unless some other officer or board is authorized by law or is designated by vote of the town to exercise and perform the said powers and duties. The conveyance provided for by section seventeen of said chapter shall be executed and acknowledged, in the case of a town, by the selectmen. A taking by a town under this act shall not be effective unless, within thirty days from the date of the taking, a description of the property taken is filed in the office of the town clerk, nor unless the taking is reported to and accepted by the town at a meeting

Certain powers, etc., relative to taking land by right of eminent domain extended to towns, etc.

called for the purpose under a warrant issued within three months after the description is so filed.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1905.

Chap.391 AN ACT RELATIVE TO THE CONSTRUCTION IN CITIES AND TOWNS OF ARMORIES FOR THE MILITIA.

Be it enacted, etc., as follows:

1904, 371, § 1,
amended.

Construction
of armories
for the militia
in cities and
certain towns.

SECTION 1. Chapter three hundred and seventy-one of the acts of the year nineteen hundred and four is hereby amended by striking out section one and inserting in place thereof the following:—*Section 1.* If the city council of any city shall vote, or if the voters of any town of more than twelve thousand inhabitants, at a meeting called for such purpose shall vote, to have an armory constructed therein and shall designate the amount of the loan necessary for acquiring land and for erecting an armory, the armory commissioners of the Commonwealth shall thereupon acquire, by purchase or otherwise, a suitable lot of land in such city or town, and shall erect thereon a suitable building for an armory sufficient for one or more companies of infantry and for such other detachments of the militia and for such of the militia headquarters situated in such city or town as they may deem necessary, and containing the necessary rooms for drilling and for the care of state property. The provisions of sections one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten and one hundred and eleven of chapter sixteen of the Revised Laws shall apply to all proceedings hereunder.

Certain pro-
visions of law
to apply.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1905.

Chap.392 AN ACT TO AUTHORIZE THE ISSUE OF ADDITIONAL BONDS FOR ACQUIRING LAND AND CONSTRUCTING AND FURNISHING SCHOOL BUILDINGS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

City of Boston
to issue
bonds for
school pur-
poses.

SECTION 1. For the purpose of acquiring land for, and constructing and furnishing, new school buildings in the city of Boston and of completing those now in process of construction, the treasurer of the city of Boston shall immediately on the passage of this act, issue bonds of the

city to the amount of one million five hundred thousand dollars within the debt limit, and shall sell the bonds from time to time and pay from the proceeds the expenses incurred as aforesaid.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of Boston.

When to take effect.

Approved May 11, 1905.

AN ACT TO AUTHORIZE THE CITIES OF MALDEN AND MELROSE
TO MAINTAIN PINE BANKS PARK AS A PUBLIC PARK. *Chap. 393*

Be it enacted, etc., as follows:

SECTION 1. The persons holding, respectively, the offices of mayor of the city of Malden and mayor of the city of Melrose, when this act shall take effect, together with five other persons to be designated in writing to the said mayors by the children of the late Elisha S. Converse, as hereinafter provided, and their successors, are hereby made a corporation under the name of Pine Banks Park, for the purpose of holding and maintaining forever as a public park the property known as the Pine Banks Park, situated in said Malden and Melrose, subject to the conditions and restrictions herein set forth, with all the powers, rights and privileges, and subject to all the duties, limitations and restrictions set forth in all general laws now or hereafter in force in this Commonwealth applicable to such corporations.

Pine Banks Park incorporated.

SECTION 2. Said corporation shall have the power to accept a conveyance of said property from the children of said Elisha S. Converse, and to hold and maintain the same for the purposes aforesaid, and may accept any gifts made to said corporation, in trust or otherwise, for the maintenance and improvement of said property.

May accept a conveyance of property, etc.

SECTION 3. The corporation shall consist of the mayors of the cities of Malden and Melrose, for the time being, who shall be members *ex officio*, two other citizens of said Malden, two other citizens of said Melrose, and a seventh person, who, except as hereinafter provided, shall not be a citizen of either Malden or Melrose, who shall together constitute a board of trustees, and whose terms of office shall be as follows:—The members *ex officio*, for the terms for which they may be elected as mayor, respectively, and the remaining trustees for the terms for which they may be appointed or elected. At the organization of

Trustees.

Trustees.

the corporation the aforesaid donors of the property shall designate in writing two citizens of Malden to serve as trustees, one to serve for one year and one to serve for two years from the first day of February, nineteen hundred and five, and two citizens of Melrose to serve as trustees for like terms, and a seventh person who, unless he be one of said donors or the heir of one of said donors, shall not be a citizen of either Malden or Melrose, to serve as trustee for the term of two years from the first day of said February. Annually in the month of January thereafter the board of trustees shall elect two persons, one a citizen of Malden and one a citizen of Melrose, who shall be members of said board for the term of two years from the first day of February in the year of their election, and until their successors are chosen. In the month of January preceding the expiration of the term for which the seventh person was appointed a trustee by the donors, said donors or their heirs shall appoint a person who shall be a member of said board for two years from the first day of February in the year of his appointment, and until his successor is in like manner appointed by said donors or their heirs, or as is hereinafter provided. Whenever a vacancy shall occur in the board of trustees by death, resignation or otherwise, it shall be filled, except as hereinafter provided, for the unexpired term in the same manner and by the same authority as the original appointment was made. A vacancy in the membership held by either mayor shall be filled, until his successor in the office of mayor has been elected and qualified, by the person who is by law authorized to perform the duties of such mayor.

Vacancy.

Probate court
may appoint
seventh
member in
certain cases.

SECTION 4. If by reason of the failure of heirs of said donors or the neglect of said donors or their heirs at any time to appoint said seventh member, or to fill a vacancy in the position held by said seventh member within thirty days after the vacancy occurs, the other members of said board may apply by petition to the probate court for the county of Middlesex, which, acting instead of said donors or their heirs, shall appoint said seventh member, for said term of two years or any unexpired part of the same, selecting some person who is neither a citizen of Malden nor of Melrose; and the court may in like manner, on petition as aforesaid, proceed to

fill such vacancy as often as occasion may arise, so that the said board shall always consist of seven members.

SECTION 5. If any person, except one of the donors or their heirs appointed as said seventh member of said board, shall become a citizen of Malden or of Melrose during his term of office, his membership in the board shall immediately cease. No member of the board of trustees shall receive compensation for his services.

Membership to cease under certain conditions, etc.

SECTION 6. Said board of trustees shall have the absolute control and management of the property, and shall have power to make rules and regulations regarding its use and management, and to expend the sums appropriated for its maintenance, in such manner as it shall deem best. The board shall annually in the month of January make a full report to the cities of Malden and Melrose of its receipts and expenditures, with its estimate of the amount required for maintenance for the ensuing year. Its expenditures in any year shall not exceed the sum of the appropriations for that year and the income at the disposal of said trustees by reason of any gifts received under the authority of section two of this act.

Trustees, powers and duties.

Annual report.

Expenditures.

SECTION 7. The cities of Malden and Melrose shall in their annual appropriation bills each appropriate and place at the disposal of said board one half of the amount determined by said board to be necessary for the maintenance of said property for that year, and set forth in its annual report as provided in section six. If either of said cities shall in any year fail to make such appropriation, the said board shall upon the written request of said donors or their heirs or devisees who may then hold their estate, reconvey said property to said heirs or devisees free from all trusts; but the amount required of each city by said board to work a forfeiture shall not in any year exceed one one hundred and fiftieth part of the assessed valuation for the preceding year of the city having the smaller assessed valuation. Said cities may, if in their judgment the proper maintenance or improvement of said property shall require it, appropriate in equal amounts and place at the disposal of said board sums in excess of the amount which said board is hereby authorized to require of said cities.

Appropriations, etc.

SECTION 8. The real estate and other property held by said board of trustees shall not be subject to taxation, and

Property not to be subject to taxation, etc.

shall not be considered in making up valuations for any taxes, whether state, county, metropolitan or other taxes.

SECTION 9. This act shall take effect upon its passage.

Approved May 11, 1905.

Chap. 394 AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A WATER SUPPLY SYSTEM BY THE TOWN OF TISBURY.

Be it enacted, etc., as follows:

Town of
Tisbury may
establish, etc.,
a public water
supply system.

SECTION 1. The town of Tisbury may establish and maintain a public water supply system, for the extinguishment of fires and for domestic, manufacturing, mercantile and other purposes; may establish fountains, standpipes and hydrants and relocate or discontinue the same; and may dispose of and regulate the use and disposition of the water, and fix and collect the prices or rates to be paid therefor.

May take
certain waters,
lands, etc.

SECTION 2. The town, for the purposes aforesaid, may take by purchase or otherwise, and may hold, convey and distribute, the waters of any springs, streams, natural ponds or driven, artesian or other wells within the limits of the town, and all lands, water rights, rights of way or easements necessary for taking, holding, storing, protecting, purifying and preserving such water and for conveying the same to any part of the town: *provided*, that no source of water supply shall be taken without the approval in writing of the state board of health; may erect on the lands so taken or held proper dams, reservoirs, buildings, fixtures or other structures; may make excavations, procure and operate machinery, and provide such other means and appliances and do such other acts as may be necessary for the establishment, maintenance and operation of a complete and effective water supply system. The town may construct and lay conduits, pipes and other works, in, under or over any lands, water courses, railroads, railways or public or private ways, and along any ways, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes or other works, and for any other purposes of this act, the town may dig up any such lands, and may enter upon and dig up any such ways, in such manner as to cause the least hindrance to public travel thereon. The title to all lands or waters taken or purchased under the provisions of this act shall

Proviso.

May erect
structures, lay
pipes, etc.

Title to lands,
etc., to vest in
town, etc.

vest in the town, and such lands and waters may be managed, improved, controlled and disposed of by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of the town.

SECTION 3. The town shall, within ninety days after the taking of any lands, waters, water rights, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Dukes County a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, signed by the water commissioners, and shall give notice of such taking to the owner if known, but want of such notice shall not affect the validity of the taking.

Description of
lands, etc., to
be recorded.

SECTION 4. The town shall pay all damages to property sustained by any person or corporation by the taking of any lands, waters, water rights, rights of way or easements, or by any other thing done by the town under authority of this act. Any person or corporation sustaining such damages, who fails to agree with the town as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on application made within one year after the taking of such land or other property, or the doing of other damage under authority of this act; but no such application shall be made after the expiration of one year therefrom: *provided, however*, that application for damages for the taking of water or water rights shall not be made until the water is actually withdrawn or diverted. When damages shall have been assessed for the taking of or damage to property in the manner herein provided, the petitioner shall be entitled to interest on the amount thereof at the rate of five per cent per annum from the date of the actual entry and taking of possession by the town or other act doing damage.

Damages.

Proviso.

SECTION 5. Upon any petition to the superior court for an assessment of such damages the town may tender to the petitioner or his attorney any sum or may bring the same into court to be paid to the petitioner, for the damages sustained or claimed in the petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein stated; and if the

Town may
tender any
sum for
damages, etc.

petitioner does not accept such sum, with his costs up to that time, but proceeds with his petition, and does not recover greater damages than were so offered or tendered, not including interest on the sum recovered as damages from the date of such tender or offer, the town shall have judgment for its costs after that date, for which execution shall issue; and the petitioner, if he recovers damages, shall be allowed interests and costs only to that date.

Town of
Tisbury
Water Loan.

SECTION 6. The town, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, and under its taking of the property of the Vineyard Haven Water Company, in accordance with the provisions of section six of chapter one hundred and fifty-seven of the acts of the year eighteen hundred and eighty-seven, by its vote of March twenty-eighth in the current year, including any indebtedness of that company which it may thereby be required to assume, may issue from time to time bonds, notes or scrip to an amount sufficient for such purpose, to be determined by a vote of the town at a legal meeting held for the purpose. Such bonds, notes or scrip shall bear on their face the words, Town of Tisbury Water Loan, shall be payable in such annual amounts and at the expiration of such periods, not exceeding thirty years from the dates of issue, as the town may by vote determine, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners. The town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, or deliver the same or any part thereof in payment for the property acquired by the taking aforesaid, upon such terms and conditions as the water commissioners may deem proper: *provided*, that such securities shall not be sold, pledged or delivered for less than their par value. The premiums, if any, received on the sale of such securities shall be applied to the reduction of the principal of the debt.

Proviso.

Payment of
loan.

SECTION 7. The town shall provide at the time of authorizing the loan for such annual proportionate payments thereof, conforming to the tenor of the securities, as will extinguish the same at maturity within the period herein prescribed, and after the town has passed a vote to that effect, any sums required for this purpose and for

payment of interest on the loan shall, without further vote, be assessed and collected annually in the same manner in which other taxes are assessed and collected in the town. The town shall also raise annually by taxation such sum as may be necessary, with the income derived from water rates, to pay the current operating expenses, including maintenance.

Town to raise a certain sum by taxation annually.

SECTION 8. The water commissioners shall fix such prices or rates for the water or the use thereof, including hydrant rentals, as shall produce annually, as nearly as may be, an amount sufficient to defray all current operating expenses, including maintenance, all interest charges, and the annual payments of the bonds, notes or scrip issued under this act as hereinbefore provided, and an additional amount of not more than one thousand dollars per year for new construction. Whenever the rates produce a surplus over the above amounts, they may be reduced to the extent of such surplus, and if not reduced such surplus shall annually be paid into the treasury of the town.

Water rates, etc.

SECTION 9. Within six months after the passage of this act, at a legal meeting called for the purpose, the town shall elect by ballot, in the manner in which other officers are elected by ballot therein, a board of water commissioners, consisting of three legal voters of the town, one to hold office until the expiration of three years, one until the expiration of four years and one until the expiration of five years from the next succeeding annual town meeting; and at every annual town meeting after the expiration of the three year term one such commissioner shall be elected by ballot in the same manner for the term of three years. All authority granted to the town by this act and not otherwise specially provided for shall be vested in and exercised by the said board of water commissioners. Any vacancy occurring in the board from any cause may be filled by the remaining members of the board until the next annual town meeting, when the unexpired term, if any, shall be filled by the town. A majority of the commissioners shall constitute a quorum for the transaction of business. They shall elect from their own number a treasurer, who shall give bond to the town in a sum and with sureties approved by the selectmen. They shall keep a record of their proceedings, shall annually render to the town an account of

Water commissioners, election, terms, etc.

Vacancy.

Quorum, etc.

Contracts.

all their doings, and shall receive such compensation for their services as the town may determine. All contracts made by the commissioners shall be made in the name and behalf of the town, and no contracts shall be made by them which involve the expenditure of money not already available or appropriated by the town for the purpose.

Penalty for corruption of water, etc.

SECTION 10. Whoever uses any water acquired under this act without the consent of the town, or wilfully or wantonly corrupts, pollutes or diverts any water taken or held by the town pursuant to the provisions of this act, or destroys or injures any structure, work or other property owned, held or used by the town under the authority and for the purposes of this act, shall forfeit three times the amount of damages assessed therefor, to be recovered in an action of tort in the name of the town; and upon conviction of any of the above wilful or wanton acts shall be punished by fine not exceeding three hundred dollars or by imprisonment for a term not exceeding one year.

Liability for payment of water rates, etc.

SECTION 11. The occupant of any tenement shall be liable for the payment of the rates for the use of the water therein, and the owner thereof shall also be liable therefor in case of non-payment by the occupant; and the same may be collected in an action of contract in the name of the town. The town may discontinue or shut off the water for non-payment of rates or other violation of the contract or regulations.

Vote of town ratified, etc.

SECTION 12. When the town shall have acquired possession of the property of the Vineyard Haven Water Company situated therein, in pursuance of its vote of taking thereof of March twenty-eighth in the current year, which is hereby ratified and confirmed, the town may maintain and use the property so acquired for the purposes and under the provisions of this act.

SECTION 13. This act shall take effect upon its passage.

Approved May 12, 1905.

Chap. 395 AN ACT TO AUTHORIZE THE BOARD OF HARBOR AND LAND COMMISSIONERS TO DREDGE THE EASTERLY PART OF LEWIS BAY IN THE TOWN OF YARMOUTH.

Be it enacted, etc., as follows:

Part of Lewis bay in Yarmouth to be dredged.

SECTION 1. The board of harbor and land commissioners is hereby authorized to expend, in its discretion,

a sum not exceeding three thousand dollars for dredging a channel in the bar in the easterly part of Lewis bay, in the town of Yarmouth, to a depth not exceeding six feet at mean low water, and to a width not exceeding one hundred feet.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1905.

AN ACT MAKING AN APPROPRIATION FOR THE RECLAMATION
OF THE PROVINCE LANDS FOR THE BENEFIT OF PROVINCE-
TOWN HARBOR.

Chap. 396

Be it enacted, etc., as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to be expended during the period of three years after the passage of this act, under the direction of the board of harbor and land commissioners, for the reclamation of the province lands belonging to the Commonwealth in the county of Barnstable, as a means toward the preservation of Provincetown harbor.

Reclamation
of province
lands.

SECTION 2. Of the said amount there shall be expended not more than one third in any one year, except that if less than two thirds of the whole sum hereby appropriated shall have been spent during the first two years the remainder of said two thirds may be added to the one third set apart for the third year.

Expenditures.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1905.

AN ACT RELATIVE TO THE NOMINATION OF CANDIDATES IN
THE COUNTY OF SUFFOLK.

Chap. 397

Be it enacted, etc., as follows:

SECTION 1. In the county of Suffolk state caucuses of every political party shall be held on the sixth Tuesday preceding the state election.

State caucuses,
county of
Suffolk.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1905.

Chap.398 AN ACT TO AUTHORIZE THE TRUSTEES OF THE PEDO-BAPTIST CONGREGATIONAL SOCIETY OF DIGHTON TO HOLD ADDITIONAL PROPERTY.

Be it enacted, etc., as follows:

Trustees of
Pedo-Baptist
Congrega-
tional Society
of Dighton
may hold
additional
property.

SECTION 1. The trustees of the Pedo-Baptist Congregational Society of Dighton, incorporated in the year seventeen hundred and ninety-eight, who, by chapter one hundred and six of the acts of the year eighteen hundred and ninety, were authorized to hold property, real and personal, to an amount not exceeding forty thousand dollars, are hereby authorized to hold property, real and personal, to an amount not exceeding one hundred thousand dollars in trust for the use and benefit of the Pedo-Baptist congregation and for the permanent support of the Pedo-Baptist congregational minister at Dighton.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1905.

Chap.399 AN ACT TO PROVIDE FOR IMPROVING THE MOUTH OF HERRING RIVER IN THE TOWN OF HARWICH BY THE BOARD OF HARBOR AND LAND COMMISSIONERS.

Be it enacted, etc., as follows:

Harbor and
land commis-
sioners to
dredge mouth
of Herring
river in
Harwich, etc.

SECTION 1. The board of harbor and land commissioners is hereby authorized to dredge the mouth of Herring river in the town of Harwich, and the approaches thereto from Vineyard sound, to protect the same by jetties, and otherwise to improve the same. For this purpose the board may expend a sum not exceeding ten thousand dollars: *provided, however,* that the town of Harwich or the citizens thereof shall, before the work is begun, deposit with the treasurer and receiver general of the Commonwealth the sum of two thousand dollars, to be expended by said board in addition to the amount provided for by this act.

Proviso.

May take
necessary land
or materials,
etc.

SECTION 2. Said board may take by purchase or otherwise, in the name and behalf of the Commonwealth, any land or materials necessary for carrying out the provisions of this act. The manner of such taking and of determining the damages caused thereby, or by any other doings of said board under the provisions of this act, shall be the same as is provided by sections seven and eight of

chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking of land by the metropolitan park commission; and said board shall for the purposes of this act have the powers which are conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid out of the sum hereby appropriated. Damages.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1905.

AN ACT TO CHANGE THE NAME OF THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND INEBRIATES TO FOXBOROUGH STATE HOSPITAL, AND TO PROVIDE FOR THE CARE THEREAT OF INSANE PERSONS. Chap. 400

Be it enacted, etc., as follows:

SECTION 1. The name of the Massachusetts hospital for dipsomaniaes and inebriates is hereby changed to Foxborough State Hospital. All the laws pertaining to said hospital shall be applicable to the Foxborough state hospital, and the words "Massachusetts hospital for dipsomaniaes and inebriates", wherever they occur in the laws pertaining to said hospital are hereby stricken out, and the words Foxborough state hospital, are inserted in place thereof. Any insane person may be transferred to the Foxborough state hospital by the state board of insanity, and shall be subject only to the provisions of law pertaining to insane persons. Name of Massachusetts hospital for dipsomaniaes and inebriates changed to Foxborough State Hospital, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1905.

AN ACT TO AUTHORIZE CERTAIN EMPLOYERS' LIABILITY COMPANIES TO INSURE AGAINST DAMAGE BY STEAM BOILER EXPLOSIONS. Chap. 401

Be it enacted, etc., as follows:

SECTION 1. Any insurance company now or hereafter authorized to do business in this Commonwealth under the fifth clause of section twenty-nine of chapter one hundred and eighteen of the Revised Laws may, in connection therewith, engage in the business authorized under the fourth clause of said section: *provided*, that it possesses a capital equal to the aggregate capital required of sepa- Certain employers' liability companies may insure against damage by steam boiler explosions.

Proviso.

rate companies doing business under said fifth clause and under said fourth clause, respectively.

Certain foreign insurance companies to make a deposit with treasurer and receiver general, etc.

SECTION 2. A foreign insurance company, if incorporated or associated under the laws of any government or state other than the United States, or of one of the United States, shall not be admitted to transact in this Commonwealth the business authorized by the preceding section until it has made a deposit with the treasurer and receiver general or with the financial officer of some other state of the United States of an amount not less than the capital required of like companies under this act. Such deposit must be in exclusive trust for the benefit and security of all of the company's policy holders and creditors in the United States, and may be made in the securities but subject to the limitations specified in section thirty-four of chapter one hundred and eighteen of the Revised Laws; and such deposit shall be for all purposes of the insurance laws the capital of the company making it.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1905.

Chap. 402 AN ACT TO CHANGE THE LIMITS OF THE SHELBURNE FALLS FIRE DISTRICT.

Be it enacted, etc., as follows:

Limits of the Shelburne Falls Fire District changed.

SECTION 1. The Shelburne Falls Fire District of Shelburne Falls, situate in the towns of Buckland and Shelburne in the county of Franklin, shall hereafter include so much of the territory of the town of Buckland as lies within the following limits: — Beginning at a point in the centre of the Deerfield river on the north line of land of W. J. Stanford, thence north seventy-six degrees west, to bound number two; thence south twenty-three degrees and one half minute west, four hundred forty-nine and three tenths feet to bound number three; thence south thirty-nine degrees and seventeen minutes west, eight hundred feet to bound number four on land of Merton Z. Woodward; thence north eighty-three degrees and forty-three minutes west, four hundred eighty-eight and one half feet to bound number five; thence south twelve degrees and forty-two minutes west, two thousand and ninety-nine feet to bound number six on land of H. Augustus Smith; thence south twenty-seven degrees and

forty minutes west, six hundred forty-four and one half feet to bound number seven; thence north sixty-seven degrees and twenty-one minutes west, eighty-nine and one tenth feet to bound number eight on line of John Carlson; thence south thirty-five degrees and thirty-eight minutes west, eleven hundred and eighty-nine feet to bound number nine on line of the Patrick J. Kennedy estate; thence south fifty-six degrees and three minutes west, two hundred seventy-two and nine tenths feet to bound number ten on the highway leading over West mountain; thence south twenty-four degrees and six minutes west, eleven hundred and seventy-four feet to bound number eleven on the highway near the residence of F. Dennison Kendrick; thence south seventy-two degrees and fifty-seven minutes west, one hundred four and one tenth feet to bound number twelve; thence south eight degrees and thirty-six minutes west, six hundred seventy-six and eight tenths feet to bound number thirteen on line of Joseph W. Whiting; thence south ten degrees and forty-eight minutes west, nineteen hundred and twenty feet to bound number fourteen on line of John Murphy; thence south sixty-seven degrees and fifty-two minutes east, two hundred twenty-three and six tenths feet to bound number fifteen on the Ashfield road; thence south twelve degrees and six minutes west, one hundred two and six tenths feet to bound number sixteen; thence south seventy-four degrees and fifty-four minutes east, one hundred ninety and four tenths feet to bound number seventeen on land of William Townsend; thence north forty-two degrees and nineteen minutes east, four hundred and fifty feet to bound number eighteen; thence north twenty-nine degrees and twenty minutes east, two hundred sixty-four and nine tenths feet to bound number nineteen; thence north twenty-five degrees and thirty-four minutes east, six hundred ninety-seven and three tenths feet to bound number twenty on line of William Middlesdorf; thence south seventy-two degrees and fifty-seven minutes east, three hundred twenty-eight and six tenths feet to bound number twenty-one; thence south twenty-three degrees and four minutes west, one hundred feet to bound number twenty-two; thence south sixty-seven degrees and forty-nine minutes east, eight hundred forty-eight and six tenths feet to bound number twenty-three on line of John Moore; thence south three degrees and thirty-eight minutes west,

Limits of the
Shelburne
Falls Fire
District
changed.

Limits of the
Shelburne
Falls Fire
District
changed.

three hundred ninety-two and one tenth feet to bound number twenty-four on land of Edward J. Monahan; thence north eighty-nine degrees and twenty-one minutes east, five hundred and eighty-five feet to bound number twenty-five; thence south forty-eight degrees and two minutes east, two hundred eighty-nine and one tenth feet to bound number twenty-six on land of Raymond Schmidt; thence south fifty-six degrees and four minutes east, six hundred seventy-eight and six tenths feet to bound number twenty-seven; thence north sixty degrees and thirty minutes east, four hundred and fifty feet to the north line of the Greenfield Electric Light and Power Company; thence north seventy-nine degrees and fifty minutes east to the centre of Deerfield river, on the said north line of the Greenfield Electric Light and Power Company.

To include cer-
tain territory
in Shelburne.

SECTION 2. The said fire district shall hereafter include so much of the territory of the town of Shelburne in said county as lies within the following limits:— Beginning at a point in the centre of the Deerfield river on the north line of the Greenfield Electric Light and Power Company, thence north along the centre line of the said river to a point opposite the south line of the Lowell S. Brown estate; thence north eighty-seven degrees and forty-one minutes east to bound number thirty-one on the Greenfield road; thence north twenty degrees and fifty-four minutes west, two hundred twenty-four and four tenths feet to bound number thirty-two; thence north nineteen degrees and twenty-six minutes east, one hundred ninety-five and one tenth feet to bound number thirty-three on the Ball lot; thence south eighty-four degrees and thirty-three minutes east, two hundred thirty-seven and six tenths feet to bound number thirty-four; thence north three degrees and forty-six minutes east, sixteen hundred and sixty-nine feet to bound number thirty-five on the south line of Jacob Yetter; thence south seventy-two degrees and forty-eight minutes east, two hundred twenty-three and three tenths feet to bound number thirty-six; thence north ten degrees and twenty-seven minutes east, one hundred ninety-eight and eight tenths feet to bound number thirty-seven; thence south sixty-four degrees and fifty-two minutes east, one hundred forty-five and five tenths feet to bound number thirty-eight; thence north three degrees and forty-six minutes east, four hundred and thirty-seven feet to bound number thirty-nine;

thence north sixty-four degrees and thirteen minutes west, three hundred eighty-five and five tenths feet to bound number forty; thence north five degrees and fifty-eight minutes east, six hundred ninety-eight and four tenths feet to bound number forty-one; thence north eighty-two degrees and thirty-six minutes west, three hundred eighty-four and six tenths feet to bound number forty-two; thence north thirty-one degrees and six minutes west, two hundred seventy-four and five tenths feet to bound number forty-three; thence north sixteen degrees and one minute east, sixteen hundred and nineteen feet to the south-east corner of land of the Arms Cemetery Association; thence on the easterly and northerly line of said association and across the highway leading to Colrain and the Shelburne Falls and Colrain street railway, to the centre of the Deerfield river; thence southerly in the centre of said river to the point of beginning in the description of the territory of Buckland included in said fire district. The declination of the needle at the time of this survey was eleven degrees thirteen minutes west.

To include certain territory in Shelburne.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.
Approved May 17, 1905.

AN ACT TO AUTHORIZE THE SOUTH DEERFIELD WATER SUPPLY DISTRICT TO EXTEND THE TIME FOR MAKING ANNUAL PAYMENTS ON ITS WATER LOAN. *Chap. 403*

Be it enacted, etc., as follows:

SECTION 1. The South Deerfield Water Supply District may by vote, at a legal meeting called for the purpose, provide for paying the bonds, notes and scrip authorized by chapter one hundred and thirty-one of the acts of the year nineteen hundred and four in twenty annual proportionate payments, the first payment to be made in eleven years from the date of issue of the said bonds, notes or scrip. Time extended for payment of water loan.

SECTION 2. This act shall take effect upon its passage.
Approved May 17, 1905.

Chap. 404 AN ACT TO DIRECT THE COMMISSIONERS OF THE COUNTY OF ESSEX TO LAY OUT PLUM ISLAND TURNPIKE AND BRIDGE AS A PUBLIC HIGHWAY.

Be it enacted, etc., as follows:

Commissioners
of Essex
county to lay
out Plum
island turnpike
and bridge as
a public
highway.

SECTION 1. The county commissioners of the county of Essex are hereby directed, with the assent of the Plum Island Turnpike and Bridge Corporation, a corporation established by an act passed on the twenty-fourth day of February in the year eighteen hundred and six, and with the assent of the Citizens' Electric Street Railway Company, to lay out as a public highway, under the terms and conditions of this act, the road and bridges owned and controlled by the Plum Island Turnpike and Bridge Corporation, said road and bridges being situate in the city of Newburyport and town of Newbury in said county.

To succeed to
certain rights,
privileges, etc.

SECTION 2. Upon the laying out of said road and bridges as aforesaid, the county commissioners shall succeed to all the rights, powers, privileges, duties and obligations of said turnpike and bridge corporation set forth in the contract between it and the Plum Island Street Railway Company, said contract being registered in the Essex county registry of deeds for the southern district, in libro seventeen hundred thirty-four, page two hundred forty-eight; and after said road and bridges have been laid out under the provisions of this act, the Citizens' Electric Street Railway Company shall have the same right to construct, maintain and operate its tracks, poles and wires in and upon the highway and bridges so laid out which it now has under the contract above mentioned, so long as it performs the duties and discharges the obligations imposed upon it by said contract. The amount of any expense incurred by said street railway company in rebuilding said bridges or any of them in accordance with said contract shall be deemed in all proceedings hereafter as a part of the value of its property for street railway purposes; and the said Citizens' Electric Street Railway Company may issue stock or bonds to meet the expenses so incurred to an amount approved by the board of railroad commissioners as reasonably necessary to provide for the payment thereof.

Certain rights
of Citizens'
Electric Street
Railway Com-
pany not
affected, etc.

The Citizens'
Electric Street
Railway Com-
pany may
issue stock or
bonds, etc.

Proceedings.

SECTION 3. In the laying out of said road and bridges as a public highway said county commissioners shall pro-

ceed in all respects, so far as may be, in conformity with the provisions of chapter forty-eight of the Revised Laws, respecting the laying out of highways, except as otherwise provided herein.

SECTION 4. After said road and bridges have been laid out as a public highway as herein provided, the track-
age of the Citizens' Electric Street Railway Company in and on said road and bridges shall not be considered in computing the excise tax to be assessed on said company under section forty-four of chapter fourteen of the Revised Laws, so long as said company performs the duties and discharges the obligations imposed upon it by the contract mentioned in section two of this act.

Certain track-
age of the
Citizens' Elec-
tric Street
Railway Com-
pany not to be
considered in
computing
excise tax.

SECTION 5. Said commissioners, upon said taking, may allow such damages as they think reasonable to said turnpike corporation, to be paid out of the county treasury: *provided, however*, that the maximum amount shall not exceed the sum of six thousand dollars. All damages payable under this section shall be paid by the county, and the county commissioners are hereby authorized to borrow on the credit of the county such sums as may from time to time be required to pay the same. In the assessment of damages there shall be allowed to persons and corporations injured, other than the turnpike and bridge corporation, such damages only as they would be entitled to beyond the damages they would have sustained by the continuance of the turnpike road, taking into consideration any advantage which may accrue in consequence of making the same a highway.

Damages.

Proviso.

SECTION 6. After said taking the cost of lighting and operating the drawbridge in said highway shall be borne and paid by said county and by such municipalities as the county commissioners of said county may, after due notice and a hearing, determine to derive special benefit from the said drawbridge: *provided, however*, that not less than forty per cent of the said cost shall be borne and paid by the said county.

Lighting and
operating
drawbridge.

Proviso.

SECTION 7. After said road and bridges have been laid out as a public highway, as herein provided, if, by reason of the dissolution of the Citizens' Electric Street Railway Company, or for any other reason, said company or its successors shall cease to be liable to or shall fail to keep said road and bridges in repair, then the county of Essex, by its county commissioners, shall keep the same

Repair of road
and bridges in
case of dissolu-
tion, etc., of
railway com-
pany, etc.

in repair so that they may be reasonably safe and convenient for travelers, with their horses and vehicles, at all seasons. If, upon the application of the county commissioners of the county of Essex therefor, the supreme judicial court shall find that said Citizens' Electric Street Railway Company, or its successors, shall have failed to keep said road and bridges in repair in accordance with the terms of the contract mentioned in section two of this act, then it shall annul and make void all rights of location of said company, or its successors, in and upon said highway and bridges.

When certain rights, etc., of turnpike corporation shall cease, etc.

SECTION 8. When said road and bridges described in section one are laid out as a highway, all the rights, privileges, duties and obligations of said turnpike corporation, except as otherwise provided herein, so far as they relate to said road and bridges, shall cease, and the existence of said turnpike corporation shall terminate except for the purposes named in sections fifty-three, fifty-four and fifty-five of chapter one hundred and nine of the Revised Laws.

Whenever road is discontinued land to revert in certain persons, etc.

Whenever said road is discontinued in whole or in part, the land over which the part discontinued was laid shall revert in the persons, their heirs and assigns, who were owners thereof at the time when it was taken or purchased for the purpose of making the road, any conveyance thereof by deed to the corporation notwithstanding.

SECTION 9. This act shall take effect upon its passage.

Approved May 17, 1905.

Chap.405 AN ACT RELATIVE TO THE TRUSTEES OF WORCESTER ACADEMY.

Be it enacted, etc., as follows:

Trustees of Worcester Academy.

SECTION 1. Of the trustees of Worcester Academy, sixteen shall hereafter be of the Baptist denomination, and ten trustees shall constitute a quorum for the transaction of business.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1905.

Chap.406 AN ACT RELATIVE TO THE CLOSE SEASON FOR QUAIL.

Be it enacted, etc., as follows:

R. L. 92, § 3, etc., amended.

Section three of chapter ninety-two of the Revised Laws, as amended by chapter one hundred and sixty-five of the acts of the year nineteen hundred and two, is hereby

further amended by striking out the word "October", in the third line, and inserting in place thereof the word: — November, — and by adding at the end of the section the words: — *provided, however*, that any person, firm or corporation holding a permit from the commissioners on fisheries and game may sell or have in possession live quail for purposes of propagation within the Commonwealth, — so as to read as follows: — *Section 3.* Whoever takes, kills or has in possession, or buys, sells or offers for sale a quail, between the first day of December and the first day of November following, or, in the county of Bristol, between the fifteenth day of December and the first day of November following, whenever or wherever such bird may have been taken or killed, shall be punished by a fine of twenty dollars for each bird; but a person, firm or corporation dealing in game or engaged in the cold storage business may buy, sell or have in possession, and a person may buy from such person, firm or corporation, and have in possession if so bought, quail from the first day of December to the first day of May, except that, in the county of Bristol, this period shall be from the fifteenth day of December to the first day of May, if such quail were not taken or killed in this Commonwealth contrary to the provisions of this chapter; and a person, firm or corporation dealing in game or engaged in the cold storage business may have quail in possession on cold storage at any season, if such quail were not taken or killed in this Commonwealth contrary to the provisions of this chapter: *provided, however*, that any person, firm or corporation holding a permit from the commissioners on fisheries and game may sell or have in possession live quail for purposes of propagation within the Commonwealth.

Protection and sale of quail.

Proviso.

Approved May 17, 1905.

AN ACT RELATIVE TO THE AUTHORITY OF THE COMMISSIONERS ON FISHERIES AND GAME.

Chap. 407

Be it enacted, etc., as follows:

Section three of chapter ninety-one of the Revised Laws is hereby amended by inserting before the word "Each", in the first line, the words: — The commissioners are empowered to appoint deputies, and, — so as to read as follows: — *Section 3.* The commissioners are empowered to appoint deputies, and each of the commissioners, the

R. L. 91, § 3, amended.

Enforcement of laws regulating fisheries, etc.

deputies of the commissioners or members of the district police may enforce the laws regulating fisheries; and may seize and remove, summarily if need be, all illegal obstructions to the passage of migratory fish except dams, mills or machinery, at the expense of the persons using or maintaining the same.

Approved May 17, 1905.

Chap. 408 AN ACT RELATIVE TO THE ABOLITION OF GRADE CROSSINGS.

Be it enacted, etc., as follows:

Payment of fees and expenses of commission to abolish grade crossings.

SECTION 1. The fees and expenses of the commission appointed under the provisions of section one hundred and forty-nine of chapter one hundred and eleven of the Revised Laws, after having been approved by a justice of the superior court, shall be paid, in the first instance, by the railroad corporation, but the sums so paid, including the costs and expenses specified in chapter two hundred and ninety-eight of the acts of the year nineteen hundred and two, shall thereafter be apportioned to and paid by the respective parties as provided by section one hundred and fifty-one of said chapter one hundred and eleven, as modified by said chapter two hundred and ninety-eight and as amended by section two of chapter four hundred and forty of the acts of the year nineteen hundred and two.

R. L. 114, § 152, etc., amended.

SECTION 2. Section one hundred and fifty-two of said chapter one hundred and eleven, as amended by section three of chapter four hundred and forty of the acts of the year nineteen hundred and two, is hereby further amended by striking out the said section and inserting in place thereof the following:—*Section 152.* The commission shall specify what part, if any, of an existing public or private way shall be discontinued, the grade for the railroad and the way, the changes to be made in the location and grades of the street railway in such public way, the general method of construction and what land or other property it considers necessary to be taken, and may provide for the taking of an easement in land adjoining the location of a public or private way or of a railroad, consisting of a right to have the land of the location protected by having the surface of such adjoining land slope from the boundary of the location in a manner specified by the commission, but if such decision involves a change in the grade of the railroad the consent of the board of railroad

Commission to specify changes to be made in locations, method of construction, etc.

commissioners to such change shall first be obtained. Said commission shall forthwith return its decision to the superior court, the decree of which, confirming such decision, shall be final and binding. If the commission decides that the location of the street railway shall be changed, the decree of the court confirming such decision shall duly establish the location as thus changed. If the commission decides that the location of the railroad or of the public or private way shall be changed, the decree of the court confirming such decision shall constitute a taking of the specified land, easement or other property; and the clerk of said court shall, within thirty days after such decree, cause a copy of the decision and decree to be filed with the county commissioners of the county or counties in which the land or other property taken or the land subject to the easement taken and the crossing are situated, to be recorded in the registry of deeds for the counties and districts in which such lands, property and crossings are situated, and to be filed with the auditor of the Commonwealth. Said taking shall be a taking by the city or town if the land or easement is to be used for or in connection with a public way, or by the railroad corporation if the land or easement is to be used for or in connection with a private way or by the railroad. An easement taken under the provisions of this section may be abandoned or released by the city, town or railroad, for which the same was taken.

Commission to specify changes to be made in locations, method of construction, etc.

SECTION 3. Section one hundred and fifty-three of said chapter one hundred and eleven, as amended by section one of chapter four hundred and seventy-eight of the acts of the year nineteen hundred and three, is hereby further amended by inserting after the word "towns", in the seventh line, the words:— or by the taking of an easement in land adjoining a public way,— and by inserting after the word "way", in the tenth line, the words:— or by the taking of an easement in land adjoining a private way or a railroad location,— so as to read as follows:— *Section 153.* All damages which may be sustained by any person in his property by the taking of land for, or by the alterations of the grade of, a public way, or by an abutter thereon, by the discontinuance of such public way, to the same extent as damages are recoverable by abutters on ways discontinued by towns, or by the taking of an easement in land adjoining a public

R. L. 111, § 153, etc., amended.

Damages.

Damages.

way, shall primarily be paid by the city or town; and all damages which may be caused by the taking of land for the railroad or by the change or discontinuance of a private way, or by the taking of an easement in land adjoining a private way or a railroad location, in connection with the abolition of a grade crossing shall primarily be paid by the railroad corporation; and all damages which may be sustained by any person by the abolition of private ways, except as hereinbefore provided, shall be entirely paid by the railroad corporation. If the parties interested cannot agree upon said damages, any party may have the damages determined by a jury in the superior court for the county in which the property and crossing are situated, on petition, brought within one year after the time the property is entered upon and work actually commenced thereon, in the same manner as damages may be determined which are caused by the taking of land for the locating of railroads and the laying out or discontinuance of public ways, respectively, in such city or town; but all expense which results from the necessary relocating or changing of streams and water courses forming the natural drainage channels of the territory in which alterations of grades are authorized and of sewers, drains and pipes therein owned and operated by municipal corporations shall be primarily paid by said city or town, and shall be a part of the actual cost of the alterations mentioned in section one hundred and fifty-one. Parties who recover damages in such proceedings shall also recover costs as in other civil cases, and the court may in its discretion allow, as a part of such costs, the reasonable expenses incurred for surveys and plans.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved May 17, 1905.

Chap. 409 AN ACT TO REVIVE THE CORPORATE EXISTENCE OF THE CITY MILLS COMPANY.

Be it enacted, etc., as follows:

City Mills
Company
revived, etc.,
for certain
purposes.

SECTION 1. The corporation heretofore known as the City Mills Company and formerly located at Norfolk, in the county of Norfolk, is hereby revived and continued for the purpose of enabling the surviving directors of the

said corporation to authorize one or more of their number to assign, transfer and set over unto William H. Sweatt of said Norfolk, a certain mortgage, the real estate thereby conveyed, and the note and claim thereby secured. The said mortgage, dated October first, nineteen hundred and two, was given by Alexander L. Wylie and Sarah Wylie to Charles E. Cotton, was recorded with Norfolk deeds, book six hundred and eighty-four, page one hundred and eighty-seven, and was assigned by Emma T. Cotton, executrix of the will of Charles E. Cotton, to the said City Mills Company by an assignment dated October twenty-fifth, eighteen hundred and ninety-five, and recorded with said deeds, book seven hundred and forty-seven, page three hundred and seven.

SECTION 2. This act shall take effect upon its passage.

Approved May 17. 1905.

AN ACT RELATIVE TO THE MANUFACTURE AND DISTRIBUTION
OF GAS AND ELECTRICITY BY CITIES AND TOWNS. Chap. 410

Be it enacted, etc., as follows:

SECTION 1. Chapter thirty-four of the Revised Laws is hereby amended by striking out section eleven and inserting in place thereof the following:—*Section 11.* The owner of any plant for the manufacture or distribution of gas or electricity for light, heat or power in the city or town, who desires to sell the same under the provisions of this chapter, shall within sixty days after the passage of the final vote of the city or town required by section three of this chapter, file with the clerk of the city or town a good and sufficient conveyance duly executed of such parts of his plant as defined in section ten of this chapter as he desires to sell, together with a detailed schedule of the plant included in the conveyance and a statement of the price which he is willing to accept in payment for the same. Upon the filing of this conveyance the property thereby conveyed shall vest in the city or town, which shall be entitled to the immediate possession and use of the property conveyed; and the owner shall surrender possession of the same upon request. A city by vote of the city council, and a town by vote of the selectmen, may agree with the owner upon the price to be paid for the plant conveyed; but said agreement as to price shall not be binding in towns until ratified by a

R. L. 34, § 11,
amended.

Plants for the
manufacture
or distribution
of gas or
electricity may
be conveyed
to cities or
towns, etc.

majority vote at a town meeting called for action thereon; but if the city or town does not agree with the owner as to such price, or notifies him within thirty days after the filing of the conveyance that it is dissatisfied with the contents thereof, either as including property which ought not to have been included or as not including property which ought to have been included, either party may, within sixty days after the filing of the conveyance, apply to the supreme judicial court for the county in which the city or town is situated for the appointment of commissioners to determine what property ought to have been included in the conveyance and the value thereof. The court upon hearing and upon proof that the foregoing conditions have been complied with shall appoint one or more commissioners who shall hear the parties and determine, in accordance with the rules laid down in section ten of this chapter, the value of the property conveyed, and, if the sufficiency of the conveyance in this regard is disputed, what property ought to have been conveyed by the owner to the city or town and the value thereof. The commissioners shall file a report of their determination; and, if either party is aggrieved by said determination, it may within thirty days after the filing thereof file objections thereto. The court shall thereupon have jurisdiction to determine the questions raised by the petition and objections; and may recommit the report for further action by the commissioners, or otherwise determine the matter as in proceedings in equity. The reasonable charges of the commissioners for their services shall be paid one half by each party, which, together with the expense of the litigation, if any, arising under this section, may be reckoned as part of the indebtedness for which bonds may be issued under section seven of this chapter.

Commissioners may be appointed to determine value of property, etc.

R. L. 34, § 12, amended.

Certain property may be conveyed or reconveyed, etc.

SECTION 2. Said chapter is hereby further amended by striking out section twelve and inserting in place thereof the following: — *Section 12.* Any property conveyed which, according to the final decree of the court, ought not to have been conveyed, shall forthwith be reconveyed by the city or town to the owner without liability to account for the mesne profits thereof or to pay interest on the value thereof; and any property which, according to said decree, ought to have been but was not included in the conveyance, shall forthwith be conveyed by the owner to the city or town. The city or town shall pay the

owner the value, determined as provided in section ten of this chapter, of the property conveyed or, if the sufficiency of the conveyance in this regard is disputed, the value of the property which ought to have been conveyed, with interest from the date of the conveyance or, if any additional conveyance is required by the decree, from the dates of the several conveyances.

SECTION 3. Said chapter is hereby further amended by striking out section twenty and inserting in place thereof the following:—*Section 20.* The mayor of a city or the selectmen, or municipal light board, if any, of a town which acquires a gas or electric lighting plant shall appoint a manager of municipal lighting who shall, under the direction and control of the mayor, selectmen or municipal light board, if any, and subject to the provisions of this chapter, have full charge of the operation and management of the plant, the manufacture and distribution of gas or electricity, the purchase of supplies, the employment of agents and servants, the method, time, price, quantity and quality of the supply, the collection of bills, and the keeping of accounts. His compensation and term of office shall be fixed in cities by the city council and in towns by the selectmen or municipal light board, if any; and, before entering upon the performance of his official duties, he shall give bond to the city or town for the faithful performance thereof in a sum and form and with sureties to the satisfaction of the mayor, selectmen or municipal light board, if any, and shall, at the end of each municipal year, render to them such detailed statement of his doings and of the business and financial matters in his charge as the board of gas and electric light commissioners may prescribe. All moneys payable to or received by the city, town, manager or board in connection with the operation of the plant, for the sale of gas or electricity or otherwise, shall be paid over to the city or town treasurer. All bills chargeable to the plant or the appropriations therefor shall be paid by the treasurer on requisition by the manager or municipal light board, if any. The manager shall at any time, when required by the mayor, selectmen, municipal light board, if any, or board of gas and electric light commissioners, make a statement to such officers of his doings, business, receipts, disbursements, balances, and of the indebtedness of the city or town in his department.

R. L. 34, § 20,
amended.

Manager of
municipal
lighting,
appointment,
powers, etc.

Compensation,
term of office,
duties, etc.

R. L. 34, § 21,
amended.

Manager to
furnish esti-
mate of income
and expenses
annually, etc.

Excess of
expense to be
included in
annual appro-
priations for
maintenance
and in tax
levy, etc.

Depreciation
fund to be
kept, etc.

SECTION 4. Said chapter is hereby further amended by striking out section twenty-one and inserting in place thereof the following: — *Section 21.* Prior to the beginning of each fiscal year the manager of the plant shall furnish to the mayor, selectmen or municipal light board, if any, an estimate of the income from sales of gas and electricity to private consumers during the ensuing fiscal year and of the expense of the plant during said year, meaning the gross expenses of operation, maintenance and repair, the interest on the bonds, notes or scrip issued to pay for the plant, an amount for depreciation equal to five per cent of the cost of the plant, or such smaller or larger amount as the board of gas and electric light commissioners may approve, the requirements of the sinking fund or debt incurred for the plant, and the loss, if any, in the operation of the plant during the preceding year. The excess of the expense thus defined and estimated over the estimated income from sales to private consumers shall be included by the city or town in its annual appropriations for maintenance and in the tax levy. By cost of the plant is intended the total amount expended on the plant to the beginning of the fiscal year, for any purpose for which bonds, notes or scrip may be issued under sections seven and eight of this chapter. By loss in operation is intended the difference between the actual income from private consumers plus the appropriations for maintenance for the preceding fiscal year and the actual expense of the plant, reckoned as above, for that year in case such expense exceeded the amount of such income and appropriation. The income from sales and the money appropriated as aforesaid shall be used to pay the annual expense of the plant, defined as above, for the fiscal year, except that no part of the sum therein included for depreciation shall be used for other purposes than renewals, in excess of ordinary repairs, extensions, reconstruction, enlargements and additions. The surplus, if any, of said annual allowances for depreciation after making the above payments shall be kept as a separate fund and used for renewals, other than ordinary repairs, extensions, reconstruction, enlargements and additions in succeeding years; and no debt shall be incurred under sections seven and eight of this chapter for any extension, reconstruction or enlargements of the plant in excess of the amount needed for the purpose in addition to the amount then on hand

in said depreciation fund. Said depreciation fund shall be kept and managed by the city or town treasurer as a separate fund, subject to appropriation by the city council or selectmen or municipal light board, if any, for the foregoing purpose. All appropriations for the plant shall be either for the annual expense defined as above, or for extensions, reconstruction, enlargements or additions; and no appropriation shall be used for any purpose other than that stated in the vote making the same. No bonds, notes or scrip shall be issued by a city or town for the annual expenses as defined in this section.

Appropriations, etc.

SECTION 5. Said chapter is hereby further amended by striking out section twenty-seven and inserting in place thereof the following:— *Section 27.* A city or town which manufactures or sells gas or electricity for lighting shall keep records of its work and doings at its manufacturing station, and in respect to its distributing plant, as required by the board of gas and electric light commissioners. It shall install and maintain apparatus, satisfactory to said board, for the measurement and recording of the output of gas and electricity, and shall sell the same by meter to private consumers when required by said board; and if required by said board shall measure all gas or electricity consumed by the city or town. The books, accounts and returns shall be made and kept, in a form prescribed by said board, and the accounts shall be closed on the thirtieth day of June annually and a balance sheet of that date shall be taken therefrom and included in the return of said board. The mayor or selectmen, or municipal light board, if any, shall annually, on or before the second Wednesday of September, make return to said board, for the year ending on the thirtieth day of June, signed and sworn to by the mayor or a majority of the selectmen or municipal light board, if any, and by the manager, stating the financial condition of said business, the amount of authorized and existing indebtedness, a statement of income and expenses in such detail as the board may require, and a list of its salaried officers and the salary paid to each. The mayor, the selectmen or the municipal light board may direct any additional returns to be made at such time and in such detail as they may order. The mayor, selectmen or municipal light board and manager shall, at any time, on request, submit said books and accounts to the inspection of said board,

R. L. 34, § 27, amended.

Records to be kept, etc.

Return to be made to gas and electric light commissioners annually, etc.

Books and accounts to be submitted to inspection of gas and elec.

tric light
commissioners
on request,
etc.

and furnish any statement or information required by it relative to the condition, management and operation of said business. The board of gas and electric light commissioners shall, in its annual report, describe the operation of the several municipal plants with such detail as may be necessary to disclose the financial condition and results of each plant; and shall state what cities or towns, if any, operating a plant have failed to comply with the provisions of this chapter, and what, if any, are selling gas or electricity with the approval of the board at less than cost.

R. L. 34, § 29,
amended.

To apply to
certain cities
and towns, etc.

SECTION 6. Said chapter is hereby further amended by striking out section twenty-nine and inserting in place thereof the following: — *Section 29.* A city or town authorized by special act to construct, purchase, lease, establish or maintain a gas or electric lighting plant shall be subject to the provisions of this chapter and to any amendments thereof or additions thereto, so far as the same may be applicable.

R. L. 34
amended.

Enforcement
of provisions.

SECTION 7. Said chapter thirty-four is hereby further amended by adding at the end thereof the following new section: — *Section 32.* In addition to the jurisdiction conferred by section eleven of this chapter on the supreme judicial court for the county in which the city or town is situated, said court shall have jurisdiction on petition of the board of gas and electric light commissioners or of twenty taxable inhabitants of the city or town to compel the fixing of prices by the city or town in accordance with the provisions of sections twenty-one and twenty-two of this chapter, to prevent any city or town from purchasing or operating a gas or electric plant in violation of any of the provisions of this chapter, and generally to enforce compliance with the terms and provisions thereof.

When to take
effect.

SECTION 8. This act shall take effect on the first day of July in the year nineteen hundred and five.

Approved May 17, 1905.

Chap. 411 AN ACT TO EXTEND THE TIME WITHIN WHICH A NEW BRIDGE MAY BE CONSTRUCTED OVER THE MERRIMAC RIVER IN THE CITY OF HAVERHILL.

Be it enacted, etc., as follows:

Time within
which new
bridge may be
constructed

SECTION 1. The time within which a new bridge may be constructed over the Merrimac river in the city of

Haverhill, in accordance with the provisions of chapter four hundred and sixty-six of the acts of the year nineteen hundred and three, is hereby extended to the first day of July in the year nineteen hundred and six.

over Merrimac river in Haverhill extended.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1905.

AN ACT TO AUTHORIZE THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap. 412*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and twenty of the acts of the year eighteen hundred and sixty-five, as amended by section one of chapter seventy-two of the acts of the year eighteen hundred and eighty-eight, is hereby further amended by striking out the section and inserting in place thereof the following:—*Section 1.* The Massachusetts Institute of Technology is hereby authorized to hold real and personal estate to any amount, such estate and the income therefrom to be devoted exclusively to the purposes and objects set forth in its act of incorporation and all acts in addition thereto or in amendment thereof.

1865, 220, § 1, etc., amended.

The Massachusetts Institute of Technology may hold additional estate, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1905.

AN ACT RELATIVE TO THE MOUNT TOM STATE RESERVATION. *Chap. 413*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and sixty-four of the acts of the year nineteen hundred and three, as amended by chapter three hundred and fifty-one of the acts of the year nineteen hundred and four, is hereby further amended by striking out the word "five", in the fifth line, and inserting in place thereof the word:—six,—so as to read as follows:—*Section 1.* The county commissioners of the county of Hampshire and of the county of Hampden, as a joint commission, are hereby authorized and directed, on or before the first day of April in the year nineteen hundred and six, to take or acquire by purchase, gift or otherwise, land not exceeding eighteen hundred acres in extent situated on or about

1903, 264, § 1, etc., amended.

Commissioners of Hampshire and Hampden counties to take, etc., certain land.

Mount Tom and Mount Nonotuck of the Mount Tom range of mountains in the county of Hampshire, lying northerly and westerly of land on the summit and slopes of Mount Tom, now owned by the Mount Tom Railroad Company, together with land of the said railroad company situated westerly of the division line between the town of Easthampton and the city of Northampton.

Certain additional sum to be allowed, etc.

SECTION 2. To carry out the purposes of said chapter two hundred and sixty-four as amended by said chapter three hundred and fifty-one, and as amended hereby, the sum of ten thousand dollars shall be allowed and paid out of the treasury of the Commonwealth in addition to the sum heretofore allowed for the said purposes.

Approved May 17, 1905.

Chap. 414 AN ACT RELATIVE TO SHORE, MARSH AND BEACH BIRDS.

Be it enacted, etc., as follows:

R. L. 92, § 5, etc., amended.

Section five of chapter ninety-two of the Revised Laws, as amended by chapter one hundred and sixty-two of the acts of the year nineteen hundred and three, is hereby further amended by striking out the word "or", in the fourth line, and inserting in place thereof the words:— a Bartramian sandpiper, also called upland plover, before the fifteenth day of July in the year nineteen hundred and ten, — and by inserting after the word "pigeon", in the fifth line, the words:— a Carolina or mourning dove, — so as to read as follows:— *Section 5.* Whoever takes or kills a plover, snipe, sandpiper, rail or any of the so-called shore, marsh or beach birds between the first day of March and the fifteenth day of July, a Bartramian sandpiper, also called upland plover, before the fifteenth day of July in the year nineteen hundred and ten, a wild or passenger pigeon, a Carolina or mourning dove, a gull or tern at any time, shall be punished by a fine of ten dollars for every bird so taken or killed; but the provisions of this section shall not apply to the great American herring gull nor to the great black-backed gull between the first day of November and the first day of May following.

Protection of shore, marsh and beach birds, etc.

Approved May 17, 1905.

AN ACT TO REGULATE LICENSES OF PAWNBROKERS AND THE FEES THEREFOR. *Chap. 415*

Be it enacted, etc., as follows:

Section forty of chapter one hundred and two of the Revised Laws is hereby amended by inserting after the word "dollars", in the second line, the words:— but if a license is issued on or after November first in any year the fee shall be twenty-five dollars, — and by striking out all after and including the word "such", in the second line, to and including the words "at any time", in the fifth line, — so as to read as follows:— *Section 40.* The fee for such license or renewal thereof as a pawnbroker shall be fifty dollars, but if a license is issued on or after November first in any year the fee shall be twenty-five dollars. The licensee shall, at the time of receiving such license, file with the mayor, board of police or licensing board a bond to such city or town, with two sureties, in the penal sum of three hundred dollars, approved by such mayor, board of police or licensing board, and conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed.

R. L. 102, § 40,
amended.

Licensing of
pawnbrokers,
fees, etc.

Approved May 18, 1905.

AN ACT TO AUTHORIZE THE CITY OF LOWELL TO SUPPLY A CERTAIN DISTRICT OF THE TOWN OF TEWKSBURY WITH WATER. *Chap. 416*

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell may supply water for the extinguishment of fires and for domestic and other purposes to the inhabitants of that part of the town of Tewksbury which lies northwesterly of a straight line beginning at the intersection of the easterly side of Billerica street in the said town with the boundary line between the towns of Tewksbury and Billerica, thence north thirty-two degrees east, true bearing, in a straight line to the boundary line between the towns of Tewksbury and Andover. For this purpose the said city may construct and lay conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or private ways, and along any such ways in the town of Tewksbury in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and re-

City of Lowell
may supply a
certain district
of town of
Tewksbury
with water.

May construct
and lay con-
duits, pipes,
etc.

Proviso.

pairing such conduits, pipes and other works, and for all proper purposes of this act, the city of Lowell may enter upon and dig up any such lands and ways: *provided, however*, that the city of Lowell shall not enter upon or dig up any public ways in the town of Tewksbury, except with the consent of the board of selectmen thereof; and the city of Lowell shall restore to the satisfaction of the selectmen of the town of Tewksbury the public ways dug up or otherwise disturbed in said town, and shall pay all damages sustained by any person in consequence of any act or neglect upon the part of the city of Lowell, its agents or employees, in digging up or otherwise disturbing any lands or public or private ways within the town of Tewksbury.

Distribution of water, etc.

SECTION 2. The city of Lowell may distribute water through the aforesaid district of the town of Tewksbury or any part thereof, may regulate the use of such water, and fix and collect rates therefor; and the said city may establish and maintain fountains and hydrants, and relocate and discontinue the same, within the district aforesaid.

Town may take property, etc.

SECTION 3. The town of Tewksbury shall have the right at any time to take, by purchase or otherwise, the property and all the rights and privileges of the city of Lowell within the town of Tewksbury, on payment to said city of the actual cost of its works and property of all kinds held under the provisions of this act. The city of Lowell shall keep a separate account of the construction expenses of its plant within the town of Tewksbury, which account shall be open to the selectmen or other committee appointed by the town of Tewksbury. In case said town shall vote to purchase said property, rights and privileges, and cannot agree with the city of Lowell upon the amount of the total actual cost thereof, then upon a suit in equity brought either by the city or by the town, the supreme judicial court shall ascertain and fix such total cost in accordance with the foregoing provisions, and shall enforce the right of the town of Tewksbury to take possession of said property, rights and privileges, upon the payment of such cost to the city of Lowell.

Supreme judicial court to fix cost in case of failure to agree, etc.

When to take effect, etc.

SECTION 4. This act shall take effect upon its passage, but shall become void unless the city of Lowell shall begin to distribute water through its pipes to consumers in the town of Tewksbury within three years after the date of the passage of this act. *Approved May 18, 1905.*

AN ACT RELATIVE TO THE TAKING AND CATCHING OF PICKEREL. *Chap. 417*

Be it enacted, etc., as follows:

SECTION 1. A town may by a by-law duly enacted and approved as required by law forbid the taking or catching of pickerel in any river, stream or pond therein in any other manner than by naturally or artificially baited hook and hand line, and may provide a suitable penalty for the violation of such by-law. Taking, etc., of pickerel may be regulated, etc.

SECTION 2. Section sixty-eight of chapter ninety-one of the Revised Laws, and chapter three hundred and sixty-four of the acts of the year nineteen hundred and four, are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved May 18, 1905.

AN ACT TO PROVIDE FOR THE ABATEMENT OF SMOKE IN THE CITY OF BOSTON. *Chap. 418*

Be it enacted, etc., as follows:

SECTION 1. In the city of Boston dark smoke or dense gray smoke shall not be discharged or allowed to escape from any building or premises, except locomotive engines and plants furnishing power for public service corporations and plants burning wood exclusively, for more than six minutes in any one hour of the day or night, except under a permit as hereinafter provided. Smoke to be abated in city of Boston.

SECTION 2. The board of health of the city of Boston shall be charged with the enforcement of this act in said city. Enforcement.

SECTION 3. Whoever violates the provisions of section one, or in any way participates in the violation thereof, may be punished by a fine of not more than one hundred dollars for each week during any part of which said section is violated. The board of health of said city shall be notified of every complaint and shall be given at least twenty-four hours' notice of the time of the trial thereon. Penalty.

SECTION 4. The board of health of the city of Boston may apply to the supreme judicial court or to the superior court or any justice thereof for an injunction to restrain the further operation of any furnace, engine, steam boiler or boilers, which are being operated in said city in such Board of health to be notified of every complaint, etc.
An injunction may be issued in certain cases.

a manner as to violate the provisions of section one, and said court or justice may, after hearing the parties, enjoin the continuance of such violation.

Temporary permits may be granted.

SECTION 5. Temporary permits for the production and emission of smoke, covering periods not exceeding six months from January first, nineteen hundred and six, may be granted by the board of health of said city to persons duly applying for the same and satisfying the board that the applicant will, during the period of such temporary permit, make changes or improvements to prevent the violation of the provisions of section one.

When to take effect.

SECTION 6. This act shall take effect on the first day of January in the year nineteen hundred and six.

Approved May 18, 1905.

Chap.419

AN ACT TO PROVIDE FOR THE PROTECTION OF DEER.

Be it enacted, etc., as follows:

R. L. 92, § 17, etc., amended.

Section seventeen of chapter ninety-two of the Revised Laws, as amended by chapter two hundred and forty-five of the acts of the year nineteen hundred and three, is hereby further amended by striking out the section and inserting in place thereof the following:—*Section 17.* Whoever, before the first day of November in the year nineteen hundred and eight, hunts, chases, wounds, injures or kills a deer, or sells or offers for sale or has in his possession for the purpose of sale, a deer captured or killed in Massachusetts, except his own tame deer kept on his own grounds, shall forfeit one hundred dollars for each offence: *provided, however,* that nothing contained herein shall prevent the owner or occupant of cultivated land from driving a deer therefrom; but dogs shall not be used for this purpose, nor shall the deer be wounded or injured. The possession of a deer killed in Massachusetts shall be prima facie evidence that the person having possession has violated some of the provisions of this section.

Protection of deer.

Proviso.

Approved May 18, 1905.

Chap.420

AN ACT TO INCORPORATE THE MILTON SAVINGS BANK.

Be it enacted, etc., as follows:

Milton Savings Bank incorporated.

SECTION 1. H. Clifford Gallagher, Samuel Gannett, Ellerton P. Whitney, Francis R. Hart, Charles E. Rogers, Robert F. Herrick, J. Porter Holmes, Charles S.

Pierce, Hiram Tuell, William H. Fitzpatrick and Nathaniel H. Stone, their associates and successors, are hereby made a corporation by the name of the Milton Savings Bank, with authority to establish and maintain a savings bank in the town of Milton; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to savings banks and institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved May 18, 1905.

AN ACT RELATIVE TO THE CONSOLIDATION OF CERTAIN GAS COMPANIES IN THE CITY OF BOSTON. Chap. 421

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter four hundred and seventeen of the acts of the year nineteen hundred and three is hereby amended by striking out the first four paragraphs and inserting in place thereof the following: — Said Boston Consolidated Gas Company for the purpose of acquiring the property, locations, rights, licenses, powers, privileges and franchises of the several corporations mentioned in section one, shall have authority to issue an amount of capital stock equal at par to the aggregate of the par value of the existing stock of the corporations mentioned in section one and the face value of the outstanding bonds, notes and certificates of indebtedness as of October thirty-one, nineteen hundred and four, to wit: — Stock to the aggregate par value of fifteen million, one hundred and twenty-four thousand six hundred dollars, but no more.

1903, 417, § 4,
amended.

Capital stock
of Boston
Consolidated
Gas Company.

The corporations mentioned in section one shall pay and discharge the outstanding bonds, notes and certificates of indebtedness from the proceeds of the purchase price of the sale of their property, and said Boston Consolidated Gas Company shall assume and pay all other debts and liabilities of said corporations, except that any indebtedness of any of the corporations mentioned in section one to another of said corporations shall be extinguished when the consolidation authorized by this act shall have been effected.

Payment of
indebtedness
of corpora-
tions.

Said Boston Consolidated Gas Company shall, so far as possible, acquire all the stock of the corporations whose

Boston Con-
solidated Gas
Company to

acquire stock of corporations whose properties are purchased, etc.

properties are purchased, as provided in section three, and the purchase price of the properties of each corporation and of such portion of its stock as may be acquired shall be such sum as the respective corporations may agree to, but the aggregate of the purchase prices paid therefor, after deducting therefrom the debts to be assumed by the Boston Consolidated Gas Company, shall not exceed the proceeds of the stock herein authorized, including any premiums which may be paid in thereon. No stock or bonds shall ever be issued for the indebtedness assumed as above provided.

1903, 417, § 14, amended.

Acceptance and agreement to be filed.

SECTION 2. Said chapter is hereby further amended by striking out section fourteen and inserting in place thereof the following:—*Section 14.* Said Boston Consolidated Gas Company shall not acquire the property, locations, rights, licenses, powers, privileges and franchises of the several corporations mentioned in section one unless it shall before the first day of August in the year nineteen hundred and five, file with the board of gas and electric light commissioners its acceptance hereof, and an agreement that it will within twelve months from the date of such acquisition reduce the maximum price of gas to be charged by it to ninety cents per thousand cubic feet.

Not to make or distribute, etc., gas or electricity until certain property is acquired, etc.

Said Boston Consolidated Gas Company shall have no authority to make, purchase, sell or distribute gas or electricity until it shall, within the provisions of this act, have acquired all the property, locations, rights, licenses, powers, privileges and franchises of all the corporations mentioned in section one, and the Boston Consolidated Gas Company shall proceed forthwith to acquire the same.

1903, 417, amended.

Section 15. Par value of capitalization.

SECTION 3. The said chapter four hundred and seventeen is hereby further amended by inserting after section fourteen the following new sections, to be numbered fifteen and sixteen, respectively:—*Section 15.* The Boston Consolidated Gas Company shall not by the acceptance of the capitalization herein authorized be deemed to have admitted for any purpose that the par value of such capitalization is equal to the value of its property or to the value of the property necessary for the proper conduct of its business. *Section 16.* Said Boston Consolidated Gas Company, upon the acquisition of the property of the corporations mentioned in section one, shall

Section 16. To be entitled to certain rights, etc., upon the

be entitled to all those rights, powers and privileges set forth in chapter thirty-four of the Revised Laws and in any amendments thereof, and particularly in section ten of said chapter, to which it would have been entitled if it had been the owner of said properties and engaged in the business of generating or distributing gas or electricity for sale for lighting purposes in the city of Boston at the time of any votes or proceedings heretofore or hereafter passed or taken by the city of Boston, under the provisions of said chapter, or of any acts in amendment thereof.

SECTION 4. This act shall take effect upon its passage.

Approved May 19, 1905.

AN ACT TO PROVIDE FOR A NEW UNION PASSENGER STATION
IN CONNECTION WITH THE ABOLITION OF CERTAIN GRADE
CROSSINGS IN THE CITY OF WORCESTER. *Chap. 422*

Be it enacted, etc., as follows:

SECTION 1. Chapter five hundred and eight of the acts of the year nineteen hundred and two, entitled "An Act relative to the union passenger station and to the abolition of certain grade crossings in the city of Worcester", is hereby amended by striking out the whole of section three and inserting in place thereof the following: — *Section 3.*

1. Said commission, instead of making changes and alterations in the present union passenger station, as provided in section two of chapter three hundred and eighty-seven of the acts of the year nineteen hundred, shall, after notice to all parties and a hearing, prescribe the taking, in fee or otherwise, of the necessary land within the area bounded northerly by Front street, easterly by Grafton street, southerly by the location of the Boston and Albany railroad, and westerly by the Viaduct, so-called, in the city of Worcester, and shall prescribe the plans, drawings and specifications for a new union passenger station to be constructed on said land in such manner as to provide for through tracks and proper connection at said station between the railroads of the Boston and Maine Railroad and the New York, New Haven and Hartford Railroad Company. The Boston and Albany Railroad Company shall build and complete ready for use such new union passenger station in accordance with the plans, drawings and specifications prescribed by the commission within three years after the report of said commission is confirmed by

acquisition of
certain prop-
erty.

1902, 508, § 3,
amended.

New union
passenger
station to be
constructed in
Worcester.

Certain provisions of law to apply.

Payment of cost.

Proviso.

Commission may prescribe alterations in locations of railroads, etc.

May prescribe taking of land, etc.

Damages.

Use of station, etc.

a final decree. All the provisions of chapter three hundred and forty-three of the acts of the year eighteen hundred and seventy-one and acts in amendment thereof and in addition thereto, except as herein otherwise provided, shall apply to said new union passenger station and the use thereof. The cost of the land prescribed to be taken for said new station, as hereinbefore provided, shall be paid by the Boston and Albany Railroad Company, and the cost of the new station shall be apportioned by the commission between the parties to the petition upon which said commission was appointed, as is required by section one hundred and fifty-one of chapter one hundred and eleven of the Revised Laws: *provided, however*, that said commission shall so far as in their judgment it is just and equitable reduce the percentage which the Commonwealth would otherwise pay under this section, and add the reduction to the percentage which the Boston and Albany Railroad Company would otherwise pay under this section.

The commission may order the railroad tracks to be elevated at the present union passenger station to such grade as is reasonably required, whether more or less than twelve feet above their present grade, but the grade of Grafton street shall not be lowered more than seven feet six inches; and they may also prescribe such alterations in the present locations of the railroads as they may deem reasonably necessary for the safe and convenient use of said new passenger station as required by this act.

Said commission may prescribe the taking of land for railroad purposes in connection with the abolition of said crossings and to carry out the provisions of this act, such takings, as well as the taking for said new station, to be for such railroad company as said commission shall in their decision designate, the decree of the court confirming the decision of said commission shall constitute the aforesaid takings, and the provisions of section one hundred and fifty-three of chapter one hundred and eleven of the Revised Laws shall apply to the damages caused thereby.

2. Said station shall be used by all the railroads now entering the city of Worcester, the railroad corporations owning or operating such railroads severally yielding and paying to the Boston and Albany Railroad Company, its lessee, successors or assigns, a reasonable rent for the use

thereof, which, if not agreed upon by the parties, shall be determined, and may be revised and altered from time to time at intervals of not less than three years, by the board of railroad commissioners upon a petition presented to said board by either of said corporations.

3. The Boston and Albany Railroad Company is hereby authorized to issue bonds in addition to the amount authorized by section ten of chapter three hundred and eighty-seven of the acts of the year nineteen hundred, to such an amount not exceeding three hundred thousand dollars as its directors shall determine to be reasonably requisite to provide for its share of the expenditure arising under the provisions of this act and of said chapter three hundred and eighty-seven.

The Boston and Albany Railroad Company may issue additional bonds.

4. Said commission shall, as a part of the work authorized by this act, but at the expense of the city of Worcester, lay out and extend Harding street from its present northerly terminus under all intervening railroads and the Viaduct, and across other land to Canal street, and shall take land therefor, the damages to be assessed as in laying out public ways in said city. Said commission may also determine whether such lay-out and extension shall be under the provisions of law authorizing the assessment of betterments, and if said Harding street shall be laid out and extended under said provisions, the board of aldermen of the city of Worcester shall determine and assess such betterments, and all provisions of the general law respecting betterments shall apply thereto: *provided, however*, that the city of Worcester shall assume all such assessments which may be assessed upon land owned by either of said railroad companies, or taken under the provisions of this act; and no railroad company shall be entitled to damages on account of the laying out, extension and construction of said street across its location and said Viaduct. The maintenance and repair of the bridges at which Harding street shall pass under said railroads and Viaduct shall be borne in the same manner as if said street were laid out by the city of Worcester across existing railroads.

Harding street to be extended, etc.

Assessment of betterments, etc.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1905.

*Chap.*423 AN ACT TO PROVIDE FOR THE CONSTRUCTION AT SALEM OF A
NEW BUILDING FOR THE COUNTY OF ESSEX.

Be it enacted, etc., as follows:

New building
to be con-
structed for
the county of
Essex.

SECTION 1. The county commissioners of the county of Essex are hereby authorized to construct on land now or hereafter acquired by them in the city of Salem a building for the registry of deeds for the southern district of that county and for the probate court of the county, including the registry of probate and insolvency, and to furnish the same, the total expense of the said construction and furnishing not to exceed the sum of three hundred thousand dollars; and the commissioners shall not make any contracts or incur any obligations involving a greater expenditure.

No contracts
to be made
until plans
have been
accepted, etc.

SECTION 2. No contracts for the construction or furnishing of the said building shall be made until plans therefor have been accepted by a board which shall consist of the judge and register of probate of the county of Essex and the register of deeds for the southern district of said county. The said board is hereby directed to invite the submission to it by architects and builders of plans, accompanied by drawings, for constructing and furnishing said building, and the board shall give public notice of its readiness to receive such plans, by advertisements in newspapers published in the county of Essex and in the city of Boston, and otherwise as they may deem proper. Such plans shall be exhibited in some public place in the city of Salem for at least two weeks before the said board shall approve any plan submitted to it. In case no plan so submitted is approved by the board, the board may, in like manner, advertise for further plans, and may otherwise solicit the submission of further plans. In case any of the persons above designated shall be unable to serve on the said board, or in case any vacancy shall arise therein, the governor, with the advice and consent of the council, shall fill the vacancy by the appointment of some person or persons resident in the said county.

Vacancy on
board, how
filled.

County com-
missioners to
advertise for
proposals, etc.

SECTION 3. As soon as the said board shall have approved a plan as aforesaid, and shall have communicated the same to the county commissioners, the county commissioners shall advertise for proposals for constructing the said building and furnishing the same in accordance

with the said plan. Such advertisements shall be published in at least two daily newspapers of general circulation in the city of Boston for not less than two weeks successively prior to the time specified in the advertisement for opening the proposals. Said proposals shall not specify any particular corporation, firm or person from whom the person to whom the contract may be awarded shall purchase his materials. The contract for constructing the said building and furnishing the same shall be awarded to the lowest bidder, provided that he shall furnish a bond for at least forty per cent of the amount of the contract, with sufficient sureties, which bond shall be satisfactory to the said commissioners. But no contract shall be awarded until it has been approved by the board provided for in section two hereof. The county commissioners shall have authority to reject any and all bids, and in case all bids are rejected by them, they shall forthwith advertise for new proposals. Contracts may be made with separate persons for constructing the building and furnishing the same.

Contracts, etc.

SECTION 4. At the end of any contract made by the county commissioners under the provisions of this act shall be inserted the following clause: "And said party of the second part shall not receive, or be entitled to receive, any sum in addition to the sum named in this contract for any additional work done or material furnished, or for any other matter of claim whatever, unless before the additional work or material or matter of claim shall be done or furnished the board provided for in section two of the act passed in the year nineteen hundred and five and entitled 'An Act to provide for the construction at Salem of a new building for the county of Essex', shall first approve the same and the additional sum or sums to be paid therefor."

Clause to be inserted in contract.

SECTION 5. In order to meet the expenses incurred under this act, the county commissioners may issue from time to time coupon or registered bonds of said county, bearing interest at a rate not exceeding four per cent per annum, to an amount not exceeding in the aggregate three hundred thousand dollars. Before issuing any such bonds said commissioners shall advertise for proposals for the amount to be issued, in two daily newspapers of general circulation published in the city of Boston; and the bonds shall be sold to the highest responsible bidder, the

County commissioners may issue bonds, etc.

Payment of
indebtedness.

county commissioners having authority to reject any and all bids; and in case no bid is accepted the said commissioners shall forthwith advertise for new proposals. The indebtedness so incurred by said county, together with the indebtedness which may now exist or which may hereafter be incurred on account of the issue of bonds authorized by chapter two hundred and sixty-six of the acts of the year nineteen hundred and two, shall be paid out of the amounts received for taxes, at the rate of twenty thousand dollars each year, commencing with the year nineteen hundred and six, until the whole indebtedness is paid.

The receipt,
etc., of bids to
be a condition
precedent to
authority of
commissioners
to borrow
money, etc.

SECTION 6. The receipt and acceptance by the county commissioners of bids from responsible parties for the complete construction of the building authorized by this act and for furnishing and equipping the same ready for the use of said registry and court within the sum of three hundred thousand dollars, such receipt being evidenced by a certificate to that effect signed by the members of the board named in section two of this act, shall be a condition precedent to the authority of said commissioners to borrow money or to incur indebtedness under this act.

SECTION 7. This act shall take effect upon its passage.

Approved May 19, 1905.

Chap.424 AN ACT TO CONFIRM CERTAIN ACTS DONE IN BEHALF OF THE
TOWN OF COHASSET.

Be it enacted, etc., as follows:

Certain acts
done in behalf
of the town of
Cohasset
confirmed.

SECTION 1. No contract entered into and no act done on behalf of the town of Cohasset by officials declared to have been elected at the annual meeting of said town for the election of town officers held on the sixth day of March in the year nineteen hundred and five, shall be invalid by reason of any irregularity or defect in the warrant by which said meeting was called, or in the conduct of the proceedings thereat.

SECTION 2. This act shall take effect upon its passage.

Approved May 19, 1905.

Chap.425 AN ACT RELATIVE TO THE SCHOOL COMMITTEE OF THE CITY
OF HAVERHILL.

Be it enacted, etc., as follows:

School com-
mittee of
Haverhill, elec-
tion, terms, etc.

SECTION 1. At the first municipal election held after this act has taken effect the qualified voters of each ward

shall elect one of the inhabitants of such ward, to be a member of the school committee, and the members so elected from wards one, two, three and four shall hold their offices for the term of two years from the first Monday of January next following their election and until their successors are chosen and qualified; and the members so elected from wards five, six and seven shall hold their offices for the term of one year from said first Monday of January and until their successors are chosen and qualified. The persons so chosen shall, with the mayor, constitute the school committee, and shall have the care and superintendence of the public schools, and all the powers given by chapter sixty-one of the acts of the year eighteen hundred and sixty-nine or by general law to school committees. At each subsequent annual municipal election the qualified voters of each of those wards from which the members whose terms of office are about to expire were elected, shall elect an inhabitant of such ward as a member of the school committee to serve for two years from the first Monday of January next following his election and until his successor is chosen and qualified.

School committee of Haverhill, election, terms, etc.

SECTION 2. This act shall take effect upon its acceptance by the qualified voters of said city at the annual state election to be held in November next; and if this act shall so be accepted, nominations for the current year under the provisions of this act may be made not later than twenty-four hours after the expiration of the time for the filing of a petition for a recount of the votes cast for the acceptance or adoption of said act.

When to take effect.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed, but this repeal shall not take effect until the acceptance of this act as provided in the preceding section.

Repeal, etc.

Approved May 19, 1905.

AN ACT RELATIVE TO THE SALE OF HORSES AT AUCTION IN THE CITY OF BOSTON.

Chap. 426

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and thirty-six of the acts of the year nineteen hundred and four is hereby amended by adding at the end of said section the words:— but the provisions of this act shall not apply to any place used and occupied for the sale

1904, 336, § 1, amended.

Use, etc., of certain places in Boston for the sale of horses at auction prohibited, unless, etc.

The maintenance or use of certain places to constitute a common nuisance.

Penalty.

Certain provisions of law to apply.

of horses at auction as aforesaid where such auction takes place wholly within a building, and where the horses are not shown or exhibited in the streets or highways within the building limits of said city, except so far as is reasonably necessary to get outside of said building limits, — so as to read as follows:— *Section 1.* No person shall use or occupy for the sale of horses at auction any place within the building limits of the city of Boston as they are now established, unless such place is so used or occupied at the date of the passage of this act, and any place so used or occupied at the date of the passage of this act shall cease to be so used or occupied on the first day of January in the year nineteen hundred and six; but the provisions of this act shall not apply to any place used and occupied for the sale of horses at auction as aforesaid where such auction takes place wholly within a building, and where the horses are not shown or exhibited in the streets or highways within the building limits of said city, except so far as is reasonably necessary to get outside of said building limits.

SECTION 2. The maintenance or use of a place for the sale of horses at auction within the building limits of the city of Boston as they are now established, except in accordance with the provisions of this act, and the use or maintenance of any such place for the sale of horses at auction where the horses are shown, exhibited or sold in or upon the streets or highways at said auction sale, or where the business is conducted in such a manner as to impede travel upon the sidewalk, streets or highways adjacent to the place so used and occupied, shall constitute a common nuisance.

SECTION 3. Any person violating any of the provisions of this act or maintaining a nuisance in violation thereof shall be punished by a fine of not more than one thousand dollars.

SECTION 4. The provisions of section eight of chapter one hundred and one of the Revised Laws shall apply to the common nuisance defined by this act.

SECTION 5. This act shall take effect upon its passage.

Approved May 22, 1905.

AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF MARLBOROUGH. *Chap. 427*

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the city council of the city of Marlborough as set forth in an order adopted by said body, and numbered on its files 5627, and approved by the mayor May fourteenth, nineteen hundred and four, appropriating the sum of fifty thousand dollars toward the cost of the erection and equipment of a municipal building pursuant to the authority conferred by chapter one hundred and seventy-five of the acts of the year nineteen hundred and four, and the issuance of negotiable notes in manner and form as set forth in said order, are hereby ratified and confirmed.

Certain proceedings of the city council of the city of Marlborough confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 22, 1905.

AN ACT TO REGULATE THE TAKING OF DEPOSITS BY CERTAIN BANKS, ASSOCIATIONS AND PERSONS. *Chap. 428*

Be it enacted, etc., as follows:

SECTION 1. All corporations, firms and persons now or hereafter engaged in the selling of steamship or railroad tickets for transportation to or from foreign countries, who in conjunction with said business carry on the business of receiving deposits of money for the purpose of transmitting the same, or equivalents thereof, to foreign countries, shall, before entering into said business or before continuing said business, except as hereinafter provided, make, execute and deliver a bond to the treasurer and receiver general in the sum of fifteen thousand dollars, conditioned for the faithful holding and transmission of any money, or equivalent thereof, which shall be delivered to it or them for transmission to a foreign country. In the case of corporations, firms or persons now engaged in said business, the said bond shall be delivered on or before September first, nineteen hundred and five.

Certain corporations, firms and persons receiving deposits to give bond to treasurer and receiver general.

SECTION 2. Said bond shall be executed by said corporations, firms or persons as principal, with at least two good and sufficient sureties who shall be residents and owners of real estate within the Commonwealth, and who shall be possessed of property to the value of thirty thou-

Execution of bond, etc.

Bond to be approved.

sand dollars, over and above all debts and liabilities and property exempt by law from levy and sale under execution. The bond shall not be accepted unless approved by the treasurer and receiver general, and, upon such approval, it shall be filed in his office. The bond of a surety company may be received if approved as aforesaid.

Record of bonds to be kept, etc.

SECTION 3. The treasurer and receiver general shall keep a record of such bonds filed with him, with the names, places of residence and of business of the principals and sureties, and the name of the officer before whom the bond was executed or acknowledged, and the record shall be open to public inspection.

Penalty.

SECTION 4. Any corporation, firm or person entering into or continuing in the business aforesaid contrary to the provisions of this act, shall be punished by a fine of not less than fifty or more than one thousand dollars, or by imprisonment for not less than thirty days or more than one year, or by both such fine and imprisonment.

Not to apply to certain drafts, money orders, etc.

SECTION 5. This act shall not apply to drafts, money orders and travelers' checks issued by transatlantic steamship companies or their duly authorized agents.

Approved May 22, 1905.

Chap. 429 AN ACT RELATIVE TO FISHING FOR PICKEREL IN LAKE QUINSIGAMOND AND ITS TRIBUTARIES.

Be it enacted, etc., as follows:

1901, 158, § 1, amended.

SECTION 1. Section one of chapter one hundred and fifty-eight of the acts of the year nineteen hundred and one is hereby amended by inserting after the word "fish", in the second line, the words:—except for pickerel,—and by inserting after the word "fish", in the eleventh line, the words:—except pickerel,—so as to read as follows:—*Section 1.* For a period of five years after the passage of this act no person shall fish, except for pickerel, in any manner whatsoever between the first day of September and the first day of April in each year in Lake Quinsigamond in the county of Worcester, or in its tributaries, above what is known as the Stringer dam, including Full Moon cove, Jordan pond and Newton pond commonly called Mud pond; and between the first day of April and the first day of September in each year during said period no person shall take from said lake or its tributaries as aforesaid any fish, except pickerel, in any

Fishing in Lake Quinsigamond, etc., restricted.

manner except with a single hook and either a hand line or a line attached to a rod or pole held by hand, with bait, artificial fly or spoon.

SECTION 2. Section two of said chapter is hereby amended by inserting after the word "fish", in the first line, the words: — except pickerel, — so as to read as follows: — *Section 2.* No person shall take any fish, except pickerel, from said lake or its tributaries as aforesaid during said period of five years for the purpose of sale, trade or barter.

1901, 158, § 2, amended.

Certain fish not to be taken for sale, etc.

Approved May 22, 1905.

AN ACT TO AUTHORIZE THE ACQUISITION OF ADDITIONAL LAND IN THE CITY OF SALEM FOR THE CONSTRUCTION OF A NEW BUILDING FOR THE COUNTY OF ESSEX.

Chap. 430

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Essex are hereby authorized to take, by purchase or otherwise, such land in the city of Salem as may be necessary and suitable for a new building for the use of the registry of deeds for the southern district of said county and for the probate court of said county, including the registry of probate and insolvency, in addition to the land authorized to be taken therefor under the provisions of chapter two hundred and sixty-six of the acts of the year nineteen hundred and two. For such additional land they may expend a sum not exceeding twelve thousand dollars, in addition to the amounts heretofore authorized to be expended by them and in addition to the proceeds from the sale of any buildings or parts of buildings and materials on said land heretofore acquired and on said additional land.

Commissioners of Essex county may take additional land in Salem for the construction of a new building.

SECTION 2. The provisions of sections two and three of said chapter two hundred and sixty-six shall apply to the taking of land under this act.

Certain provisions of law to apply.

SECTION 3. To meet the expenses incurred under this act, said commissioners may from time to time borrow on the credit of the county of Essex a sum not exceeding twelve thousand dollars.

Commissioners may borrow on credit of county.

SECTION 4. Said commissioners are authorized to sell and dispose of any buildings or parts of buildings and materials upon the lands heretofore acquired under the provisions of said chapter two hundred and sixty-six, or that may, at the time of the acquisition thereof, be upon

May dispose of certain buildings, etc.

the lands acquired under the provisions of this act, and to apply the proceeds thereof toward the expenses incurred in the acquisition of said lands and incidental thereto.

SECTION 5. This act shall take effect upon its passage.

Approved May 22, 1905.

*Chap.*431 AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS
FOR SUNDRY MISCELLANEOUS EXPENSES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein provided, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit:—

Expenses in connection with certain statutes.

For expenses in connection with certain statutes in and about the state house, as authorized by chapter twenty-nine of the resolves of the present year, a sum not exceeding five hundred dollars.

Fred E. Bolton.

For Fred E. Bolton, as authorized by chapter forty-two of the resolves of the present year, the sum of two hundred thirty-seven dollars and fifty-one cents.

William E. Mountain.

For William E. Mountain, as authorized by chapter forty-three of the resolves of the present year, the sum of one hundred and twenty-five dollars.

Medfield insane asylum.

For the purchase of additional land for the Medfield insane asylum, as authorized by chapter forty-four of the resolves of the present year, a sum not exceeding two hundred dollars, to be paid out of the Medfield Insane Asylum Fund.

Massachusetts reformatory.

For painting and repairing at the Massachusetts reformatory, as authorized by chapter forty-five of the resolves of the present year, a sum not exceeding six thousand dollars, to be paid out of the Massachusetts Reformatory Industries Fund.

Boundary line between the Commonwealth and Connecticut.

For expenses in connection with locating, defining and marking the boundary line between the Commonwealth and the state of Connecticut, as authorized by chapter forty-six of the resolves of the present year, a sum not exceeding seven thousand dollars.

Investigation and report as to scallops.

For expenses in connection with an investigation and report by the commissioners on fisheries and game as to

scallops, as authorized by chapter forty-nine of the resolves of the present year, a sum not exceeding five hundred dollars.

For the Trustees of the Soldiers' Home in Massachusetts, as authorized by chapter fifty of the resolves of the present year, the sum of fifty thousand dollars.

Trustees of the Soldiers' Home in Massachusetts.

For preparing and printing a special report on the birds of the Commonwealth, as authorized by chapter fifty-one of the resolves of the present year, a sum not exceeding three thousand dollars.

Report on the birds of the Commonwealth.

For Patrick Rowen, as authorized by chapter fifty-two of the resolves of the present year, the sum of six hundred dollars.

Patrick Rowen.

For the erection of a monument in the National Cemetery at Winchester, Virginia, as authorized by chapter fifty-three of the resolves of the present year, a sum not exceeding thirty-five hundred dollars.

Erection of monument in National Cemetery at Winchester, Va.

For expenses in connection with the taking control of Powder Hole, so-called, at Monomoy Point in the town of Chatham, as authorized by chapter fifty-four of the resolves of the present year, a sum not exceeding one thousand dollars.

Taking control of Powder Hole, Chatham.

For Michael Morgan, as authorized by chapter fifty-five of the resolves of the present year, the sum of six hundred and fifty dollars, to be paid out of the Metropolitan Water Maintenance Fund.

Michael Morgan.

For the publication of industrial information by the bureau of statistics of labor, as authorized by chapter fifty-seven of the resolves of the present year, a sum not exceeding five hundred dollars.

Publication of industrial information.

For continuing the investigation by the state board of health of conditions affecting the health or safety of employees in factories and other establishments, as authorized by chapter fifty-nine of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Investigation as to sanitary conditions in factories, etc.

For expenses of the committee appointed to consider the laws relative to taxation of forest lands, as authorized by chapter sixty of the resolves of the present year, a sum not exceeding five hundred dollars.

Expenses of committee to consider laws relative to taxation of forest lands.

For rent of offices for use of the Massachusetts highway commission, a sum not exceeding seven hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Massachusetts highway commission.

Assistant
bookkeeper in
department of
treasurer and
receiver
general.

For the salary of the assistant bookkeeper in the department of the treasurer and receiver general, as authorized by chapter two hundred and seventy-two of the acts of the present year, the sum of three hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Salary of
second assist-
ant register of
probate and
insolvency,
county of
Middlesex.

For the salary of the second assistant register of probate and insolvency for the county of Middlesex, as authorized by chapter three hundred and twenty-three of the acts of the present year, a sum not exceeding sixteen hundred dollars.

Salary of
officer in
command of
steamer
Lexington.

For the salary of the officer of the detective department detailed to the command of the Commonwealth's steamer Lexington, as authorized by chapter three hundred and sixty-five of the acts of the present year, the sum of two hundred dollars, the same to be in addition to any amount heretofore appropriated for the salary of said official.

Northampton
insane
hospital.

For the purchase of certain land and buildings adjoining the land of the Northampton insane hospital, as authorized by chapter sixty-one of the resolves of the present year, a sum not exceeding fifty-five hundred dollars, to be paid out of the Northampton Insane Hospital Fund.

Massachusetts
hospital for
dipsomaniacs
and inebriates.

For repairing and painting at the Massachusetts hospital for dipsomaniacs and inebriates, as authorized by chapter sixty-two of the resolves of the present year, a sum not exceeding sixteen hundred dollars, to be paid out of the Massachusetts Hospital for Dipsomaniacs and Inebriates Fund.

State hospital.

For certain improvements at the state hospital, as authorized by chapter sixty-three of the resolves of the present year, a sum not exceeding nineteen thousand seven hundred and fifty dollars.

Commemorat-
ing the two
hundredth
anniversary
of the birthday
of Benjamin
Franklin.

For expenses in connection with commemorating the two hundredth anniversary of the birthday of Benjamin Franklin, as authorized by chapter sixty-four of the resolves of the present year, a sum not exceeding five hundred dollars.

Preparation of
list of names,
etc., of persons
who served in
army, etc., of
the United
States during
war of the
rebellion.

For expenses in connection with preparing a list of the names and addresses of persons who served in the army, navy or marine corps of the United States during the war of the rebellion, by the chief of the bureau of statistics of labor, as authorized by chapter sixty-five of the resolves of the present year, a sum not exceeding one thousand dollars.

For printing, binding and distribution of the reports of the decennial census of the year nineteen hundred and five, as authorized by chapter sixty-six of the resolves of the present year, a sum not exceeding five thousand dollars.

Printing, etc., reports of decennial census.

For certain improvements at the Westborough insane hospital, as authorized by chapter sixty-seven of the resolves of the present year, a sum not exceeding five thousand and fifty dollars.

Westborough insane hospital.

For The Bradford Durfee Textile School of Fall River, as authorized by chapter sixty-eight of the resolves of the present year, the sum of eighteen thousand dollars.

The Bradford Durfee Textile School of Fall River.

For the New Bedford textile school, as authorized by chapter sixty-nine of the resolves of the present year, the sum of eighteen thousand dollars.

New Bedford textile school.

For the Lowell textile school, as authorized by chapter seventy of the resolves of the present year, the sum of twenty-five thousand dollars.

Lowell textile school.

For expenses in connection with suppressing the gypsy and brown tail moths, as authorized by chapter three hundred and eighty-one of the acts of the present year, a sum not exceeding seventy-five thousand dollars.

Suppression of gypsy and brown tail moths.

For expenses in connection with experimenting with parasites or natural enemies for destroying said moths, as authorized by chapter three hundred and eighty-one of the acts of the present year, a sum not exceeding ten thousand dollars.

Experimenting with parasites for destroying moths.

For certain improvements at the Northampton insane hospital, as authorized by chapter seventy-one of the resolves of the present year, a sum not exceeding fifty-five hundred dollars, to be paid out of the Northampton Insane Hospital Fund.

Northampton insane hospital.

SECTION 2. This act shall take effect upon its passage.

Approved May 22, 1905.

AN ACT RELATIVE TO THE ADMISSION OF VOLUNTARY PATIENTS TO INSANE HOSPITALS. *Chap. 432*

Be it enacted, etc., as follows:

SECTION 1. Chapter eighty-seven of the Revised Laws is hereby amended by striking out section fifty-three and inserting in place thereof the following: — *Section 53.* The superintendent or keeper of any institution, public or private, to which an insane person may be committed,

R. L. 87, § 53, amended.

Certain persons may be received as voluntary patients in

insane
hospitals.

may receive and detain therein as a boarder and patient any person who is desirous of submitting himself to treatment, and who makes written application therefor and whose mental condition is such as to render him competent to make such application. Such person shall not be detained for more than three days after having given notice in writing of his intention or desire to leave such institution. The charges for the support of such person in a public institution shall be governed by the provisions of law applicable to the support of an insane person in said institution, provided the approval of the state board of insanity shall be obtained in writing.

R. L. 87, § 54,
amended.

Notice to be
given to state
board of
insanity.

SECTION 2. Said chapter eighty-seven is hereby further amended by striking out section fifty-four and inserting in place thereof the following: — *Section 54.* If a patient is received into any such institution upon his own application or under the provisions of section fifty-two, the superintendent or keeper thereof shall give immediate notice of such reception to the state board of insanity, stating all the particulars of the case, and said board shall cause the case to be investigated and a record to be made of all the facts relative thereto.

SECTION 3. This act shall take effect upon its passage.

Approved May 22, 1905.

Chap. 433 AN ACT TO ESTABLISH THE DRACUT WATER SUPPLY DISTRICT
AND TO PROVIDE FOR SUPPLYING THE SAME WITH WATER.

Be it enacted, etc., as follows:

Dracut Water
Supply District
established.

SECTION 1. The inhabitants of the town of Dracut liable to taxation in said town and residing within the territory enclosed by the following boundary lines, to wit: — Beginning at a point on the Lowell and Dracut line two hundred feet northwest from the centre of Old Meadow road, thence northeasterly by a line parallel with and two hundred feet northwesterly from the centre of said Old Meadow road to a point formed by the intersection of the line just described and a line parallel with and two hundred feet westerly from the centre of Phineas street, thence by the said line parallel with Phineas street to a point formed by the intersection of said line parallel with the said Phineas street and a line parallel with and two hundred feet northwesterly from the centre of Goodhue avenue, thence by said line parallel with said Goodhue

avenue to a point formed by the intersection of said line parallel with the said Goodhue avenue and the centre line of Lakeview avenue, thence easterly by a straight line to a point at the centre of Bridge street two hundred feet northerly from Fox avenue, thence by a line parallel with and two hundred feet northerly from the centre line of Fox avenue to a point formed by the intersection of said line parallel with Fox avenue and a line parallel with and two hundred feet southeasterly from Broadway, thence southwesterly by a line parallel with and two hundred feet southeasterly from said Broadway to a point formed by the intersection of said line parallel with Broadway and the Lowell and Draeut line, thence by the said Lowell and Draeut line to the point of beginning, — shall constitute a water district, and are hereby made a body corporate, by the name of the Draeut Water Supply District, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and to take, by lease, purchase or otherwise, and to hold property, lands, rights of way and easements for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of the district.

Draeut Water
Supply District
established.

SECTION 2. Said water district, for the purposes aforesaid, is hereby authorized to take and distribute water to be supplied by the city of Lowell upon such terms as may be agreed upon by the said city and the said district, or to be supplied by driven wells, or in such other manner as the state board of health may approve; and for the purpose of receiving, holding and distributing the said water the said district may lay and construct pipes and such other works and structures as may be necessary, under or over any land, water courses, railroads and railways and public or other ways and along any way in the town of Draeut, in such manner as not unnecessarily to obstruct the same; and for the purposes aforesaid the said district may dig up any such lands or ways in such manner as to cause the least hindrance to public travel; and all things done upon any such way shall be subject to the direction of the selectmen of said town. The said district may also take, by lease, purchase or otherwise,

May take and
distribute
certain water,
lay pipes, etc.

May take
necessary
lands, etc.

and may hold all lands, rights of way and easements in the said town necessary for receiving, holding and distributing the said water.

Description of
land, etc., to be
recorded.

SECTION 3. Said water district shall within sixty days after taking any land, rights of way, water rights, water source or easements as aforesaid, otherwise than by lease or purchase, file and cause to be recorded in the registry of deeds for the district in which the same are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners herein-after provided for.

Damages.

SECTION 4. Said water district shall pay all damages to property sustained by any person or corporation by the taking of any lands, water source or water rights, or by laying or maintaining any aqueducts or other works for the purpose aforesaid, or by the doing of any other act under authority hereof. Any person or corporation sustaining damages as aforesaid, and unable to agree with the said district upon the amount thereof, may have them assessed in the manner provided by law with respect to land taken for the laying out of highways. Any person or corporation whose water rights are thus taken or affected may apply as aforesaid within one year after the time when the water is actually withdrawn or diverted, and not thereafter.

Dracont Water
Supply District
Loan.

SECTION 5. For the purpose of paying all expenses and liabilities incurred under the provisions of this act said district may from time to time issue bonds, notes or certificates of debt, signed by the treasurer of the water district and countersigned by the chairman of the water commissioners hereinafter provided for, to be denominated on the face thereof, Dracont Water Supply District Loan, to an amount not exceeding fifty thousand dollars, payable at periods not exceeding thirty years from the dates of issue, and bearing interest payable semi-annually at a rate not exceeding four per cent per annum. Said district may sell such securities at public or private sale, at not less than par, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Said district shall pay the interest upon the loan as it accrues, and shall provide for the payment of the principal at maturity by such annual proportionate payments as will extinguish

Payment of
loan.

the same within the time prescribed by this act. The amounts which may be necessary to make such payments shall without further vote of said district be raised annually by taxation in the manner hereinafter provided.

SECTION 6. Said district shall raise by taxation annually a sum which with the income derived from the sale of water and the payments from the town of Draeut for hydrant service will be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds issued by said district, together with such payments on the principal as may be required under the provisions of this act. Said district is further authorized, by a two-thirds vote of the voters thereof present and voting at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional pipes, appliances and fixtures connected therewith, not exceeding two thousand dollars in any one year.

District to raise a certain sum by taxation annually.

SECTION 7. The town of Draeut may by a two-thirds vote of the legal voters present and voting thereon at a legal meeting called for the purpose guarantee the payment of said bonds, notes or certificates of debt, provided such meeting is held within one year after the acceptance of this act by said district.

Town may guarantee payment of bonds, etc.

SECTION 8. Whenever a tax is duly voted by said district for the purposes of this act the clerk shall send a certified copy of the vote to the assessors of the town of Draeut, who shall proceed within thirty days to assess the same in the same manner in all respects in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect overdue interest on taxes in the same manner in which interest is authorized to be collected on town taxes: *provided*, that said district at the time of voting to raise the tax shall so determine, and shall also fix a time for the payment thereof.

Assessment and collection of taxes.

Proviso.

SECTION 9. Said district may make such contracts with individuals, corporations, and the town of Draeut, for supplying water as may be agreed upon, and may fix and collect rates for the use of such water, and may dis-

District may make contracts for supplying water, etc.

continue or shut off the water for the non-payment of such rates and for violation of the terms of any such contract or agreement.

First meeting.

SECTION 10. The first meeting of said district shall be called on petition of ten or more legal voters therein, by a warrant from the selectmen of the town of Dracut, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of said warrant in two or more public places in said district seven days at least before the time of said meeting. One of the selectmen shall preside at the meeting until a clerk is chosen and sworn. After the choice of a moderator for said meeting the question of the acceptance of this act shall be submitted to the voters, and if it shall be accepted by a majority vote of the voters present and voting thereon it shall go into effect, and the meeting may then proceed to act on the other articles contained in the warrant.

Water commis-
sioners, elec-
tion, terms,
etc.

SECTION 11. The Dracut Water Supply District shall, after the acceptance of this act at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual district meeting, to constitute a board of water commissioners; and at every annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as the district may impose by its vote. Said commissioners shall appoint a treasurer of said district who may be one of their number, who shall give bonds to the district to such an amount and with such sureties as may be approved by the commissioners; and a majority of the commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said water district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of the water works except by a written order of said commissioners or a majority of them. The commis-

Quorum.

Vacancy.

sioners shall annually make to said district a full report in writing of their doings and expenditures. To make annual report.

SECTION 12. Said district may adopt by-laws prescribing by whom and how meetings may be called and notified, and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section ten. Said district may also provide rules and regulations for the management of its water works, not inconsistent with this act or with the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary. District may adopt certain by-laws, provide rules, etc.

SECTION 13. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, standpipe, aqueduct, pipe or other property owned or used by said district for the purposes of this act, shall forfeit and pay to the district three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment for a term not exceeding six months. Penalty for corruption of water, etc.

SECTION 14. This act shall take effect upon its acceptance by a majority vote of the voters of said district present and voting thereon at any legal district meeting called for the purpose within three years after the passage of this act; but it shall become void unless the said district shall begin to distribute water through its pipes to consumers in the town of Draeut within three years after the date of the acceptance of this act as aforesaid. When to take effect, etc.

Approved May 23, 1905.

AN ACT RELATIVE TO TRESPASSING UPON LAND OF CERTAIN STATE INSTITUTIONS. *Chap. 434*

Be it enacted, etc., as follows:

Section one hundred and twelve of chapter two hundred and eight of the Revised Laws is hereby amended by striking out after the word "reformatory", in the third line, the word "or", and by inserting after the word "women", in the same line, the words: — state hospital, state farm, Massachusetts hospital for epileptics, Foxborough state hospital, or any public institution for the care of insane, R. L. 208, § 112, amended.

Penalty for trespassing upon land of certain institutions.

feeble-minded or epileptic persons, — so as to read as follows: — *Section 112.* Whoever wilfully trespasses upon land which belongs to the Commonwealth and is appurtenant to the state prison, Massachusetts reformatory, reformatory prison for women, state hospital, state farm, Massachusetts hospital for epileptics, Foxborough state hospital, or any public institution for the care of insane, feeble-minded or epileptic persons, or upon land which belongs to any county and is appurtenant to a jail or house of correction, or, after notice from an officer of any of said institutions to leave said land, remains thereon, shall be punished by imprisonment for not more than three months or by a fine of not more than fifty dollars.

Approved May 23, 1905.

Chap. 435 AN ACT RELATIVE TO TEMPORARY ABSENCES OF PATIENTS FROM INSTITUTIONS FOR THE INSANE.

Be it enacted, etc., as follows:

R. L. 87, § 95, amended.

Temporary absences of patients from institutions for the insane may be permitted.

SECTION 1. Chapter eighty-seven of the Revised Laws is hereby amended by striking out section ninety-five and inserting in place thereof the following: — *Section 95.* The superintendent or keeper of any institution, public or private, used wholly or in part for the care of the insane, may permit any inmate thereof temporarily to leave such institution in charge of his guardian, relatives, friends or by himself, for a period not exceeding six months, and may receive him when returned by any such guardian, relatives, friends or upon his own application within such period, without any further order of commitment. The expense of such return of a pauper may be paid by the state board of insanity, if, in its opinion, a new commitment would otherwise be necessary.

SECTION 2. This act shall take effect upon its passage.

Approved May 23, 1905.

Chap. 436 AN ACT RELATIVE TO APPLICATIONS FOR COMMITMENTS OF INSANE PERSONS AND EPILEPTICS.

Be it enacted, etc., as follows:

R. L. 87, § 39, amended.

Statement to be filed in cases of applications for commitment,

SECTION 1. Chapter eighty-seven of the Revised Laws is hereby amended by striking out section thirty-nine and inserting in place thereof the following: — *Section 39.* Upon every application for the commitment or admission of a person as a patient to a hospital or asylum for the

insane or epileptic a statement shall be filed with the application, or within ten days after the commitment or admission, showing as nearly as can be ascertained the birthplace of such patient and of his father and mother, his age, civil condition and occupation; supposed cause and the duration and character of his disease, whether mild, violent, dangerous, homicidal, suicidal, paralytic or epileptic; the previous or present existence of insanity or epilepsy in the patient or in his family; his habits in regard to temperance; whether he has been in any hospital for the insane or epileptic, and if so, what one, when and how long; and, if the patient is a woman, whether she has borne children, and if so, what time has elapsed since the birth of the youngest; the maiden name of his mother and the names of his father, children, brothers, sisters and other next of kin, not exceeding ten in number and over eighteen years of age, and their addresses, if known by the applicant; and any facts showing whether he has or has not a settlement, and if he has a settlement, in what place. If the applicant is unable to state any of the above particulars, he shall so state. A copy of the statement shall be transmitted to the superintendent of the hospital or asylum, and filed with the order of commitment or with the copy of the application for admission. The superintendent shall, within two days after the admission of such patient, send notice of his commitment or admission by mail, postage prepaid, to each of said relatives and to any other two persons whom the patient shall designate.

etc., of insane persons, etc.

Certain persons to be notified of commitment, etc.

SECTION 2. This act shall take effect upon its passage.

Approved May 23, 1905.

AN ACT TO REGULATE THE USE OF THE CINEMATOGRAPH IN CHURCHES AND OTHER PUBLIC BUILDINGS.

Chap. 437

Be it enacted, etc., as follows:

The provisions of chapter one hundred and seventy-six of the acts of the year nineteen hundred and five, being an act entitled "An Act to regulate the use of the cinematograph", shall apply to the use, keeping, exhibition and inspection of cinematographs which are to be used, kept or exhibited in any church or other public building, whether such use, keeping or exhibition is on premises licensed or not licensed for entertainments.

Use, etc., of cinematograph in churches and other public buildings regulated.

Approved May 23, 1905.

Chap.438 AN ACT TO EXTEND THE TIME WITHIN WHICH THE HORSE NECK BEACH STREET RAILWAY COMPANY MAY CONSTRUCT AND OPERATE ITS RAILWAY.

Be it enacted, etc., as follows:

Corporate
existence of
the Horse Neck
Beach Street
Railway
Company
restored, etc.

SECTION 1. The organization of the Horse Neck Beach Street Railway Company, as it existed prior to May first, nineteen hundred and five, is hereby legalized and its corporate existence restored and continued as though it had never ceased.

Time for con-
struction, etc.,
of its road
extended.

SECTION 2. The time within which the Horse Neck Beach Street Railway Company is required by law and by the terms of its several locations to build and put into operation some part of its road is hereby extended until the first day of October in the year nineteen hundred and six.

SECTION 3. This act shall take effect upon its passage.

Approved May 23, 1905.

Chap.439 AN ACT TO AUTHORIZE THE TOWN OF NATICK TO ERECT A MUNICIPAL BUILDING AND TO BORROW MONEY THEREFOR.

Be it enacted, etc., as follows:

Town of
Natick may
construct a
municipal
building.

SECTION 1. The town of Natick is hereby authorized to take by purchase or otherwise land for, and to construct thereon, a municipal building containing town offices, a town hall, an armory, a police station, and quarters for such other municipal or public uses as the town may determine.

Building com-
mittee, elec-
tion, etc.

SECTION 2. The construction of the said building shall be under the supervision and control of a building committee of five persons, citizens of the town, who shall be elected at the town meeting at which the town may vote to construct a building in accordance with the provisions of this act. Said committee shall elect from their number a chairman and a clerk, shall continue in office until the building is completed and shall fill any vacancies that may occur in their number. They shall receive no compensation for their services.

Natick
Municipal
Building Loan,
Act of 1905.

SECTION 3. In order that the town of Natick may be able to borrow money within the statutory debt limit of the town in case of emergency for public school purposes, the town for the purposes named in section one of this

act, including the payment of all damages for the taking of land, may incur indebtedness to an amount not exceeding one hundred thousand dollars, in the following manner: — Fifty thousand dollars of said sum shall be borrowed within the said debt limit, and a sum not exceeding fifty thousand dollars may be borrowed beyond the said limit of indebtedness. For the above purposes, the town may from time to time issue negotiable bonds, notes or scrip therefor, payable in periods not exceeding twenty years from the dates of issue. Such bonds, notes or scrip shall be denominated on the face thereof, Natick Municipal Building Loan, Act of 1905, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the selectmen. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold or pledged for less than the par value thereof. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed, the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said town shall be extinguished, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto shall apply to the indebtedness herein authorized and to the securities issued therefor.

Proviso.

Payment of loan.

R. L. 27, etc., to apply.

SECTION 4. No appropriations shall be made under the authority of this act except at an annual town meeting.

Appropriations to be made at an annual town meeting.

SECTION 5. This act shall take effect upon its acceptance by the legal voters of said town at an annual town meeting.

When to take effect.

(This bill, returned by the governor to the senate, the branch in which it originated, with his objections thereto, was passed by the senate May 22, and, in concurrence, by the house of representatives May 23, the objections

of the governor notwithstanding, in the manner prescribed by the Constitution; and thereby has the "force of a law".)

Chap.440 AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO INCUR INDEBTEDNESS FOR EQUIPPING AND FURNISHING THE NEW HIGH SCHOOL BUILDING IN TILAT CITY.

Be it enacted, etc., as follows:

Brockton High
School Equip-
ment Loan,
1905.

SECTION 1. For the purpose of equipping and furnishing the high school building which the high school building commission of the city of Brockton was authorized and directed to erect by chapter three hundred and ninety-three of the acts of the year nineteen hundred and three, the city treasurer of said city is hereby authorized and directed, from time to time upon the request of the said commission, as hereinafter provided, to borrow a sum not exceeding thirty thousand dollars, and to issue the bonds, notes or scrip of the city to that amount, to be dated July first, nineteen hundred and five, and to be denominated on their face, Brockton High School Equipment Loan, 1905. Said bonds, notes and scrip shall be paid in twenty annual proportionate payments of not more than fifteen hundred dollars each, and the first of said payments shall be made on the first day of July in the year nineteen hundred and six. The securities authorized to be issued hereunder shall be signed by the mayor and city treasurer, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually. The said commission is hereby authorized to spend and to contract to expend for the equipping and furnishing of said building the sums herein authorized to be borrowed.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1905.

Chap.441 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF HUDSON AND STOW.

Be it enacted, etc., as follows:

Boundary line
between
Hudson and
Stow estab-
lished.

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Hudson and Stow:—Beginning at the corner of Hudson, Stow and Sudbury, at a granite monument in latitude forty-two degrees, twenty-three minutes, twenty-four and twenty-six

hundredths seconds, and longitude seventy-one degrees, twenty-eight minutes, twenty-three and thirty-seven hundredths seconds; thence north seventy-one degrees, fifty-five minutes west, true bearing, eight thousand seven hundred and sixty-eight feet, along the present dividing line between Hudson and Stow, to a granite monument standing in woodland about one hundred and twenty-five feet west of Boon's pond, in latitude forty-two degrees, twenty-three minutes, fifty-one and twelve hundredths seconds, and longitude seventy-one degrees, thirty minutes, fourteen and forty-five hundredths seconds; thence north eighty-nine degrees, thirty-one minutes west, true bearing, one thousand nine hundred and sixty-six feet, along the present dividing line between Hudson and Stow, to a granite monument in latitude forty-two degrees, twenty-three minutes, fifty-one and twenty-eight hundredths seconds, and longitude seventy-one degrees, thirty minutes, forty and sixty-five hundredths seconds; thence north eighty-three degrees, eleven minutes west, true bearing, one thousand nine hundred and thirty-seven feet to a granite monument standing twenty-five feet northwest of a wooded ridge near the southerly bank of Assabet river, in latitude forty-two degrees, twenty-three minutes, fifty-three and fifty-five hundredths seconds, and longitude seventy-one degrees, thirty-one minutes, six and twenty-eight hundredths seconds; thence south seventy-two degrees, twenty-five minutes west, true bearing, two thousand five hundred and twenty-one feet, along the present dividing line between Hudson and Stow, to a granite monument standing on the easterly slope of Gospel hill, in latitude forty-two degrees, twenty-three minutes, forty-six and three hundredths seconds, and longitude seventy-one degrees, thirty-one minutes, thirty-eight and thirty-one hundredths seconds; thence north nine degrees, twenty-eight minutes west, true bearing, two thousand and seventeen feet, along the present dividing line between Hudson and Stow, to a granite monument standing on the southerly slope of Parker's hill, in latitude forty-two degrees, twenty-four minutes, five and sixty-eight hundredths seconds, and longitude seventy-one degrees, thirty-one minutes, forty-two and seventy-three hundredths seconds; thence north sixty-five degrees, thirty-eight minutes west, true bearing, nine thousand two hundred and five feet, along the present dividing line between Hudson and Stow,

Boundary line
between
Hudson and
Stow estab-
lished.

to a granite monument standing at the corner of Bolton, Hudson and Stow, in latitude forty-two degrees, twenty-four minutes, forty-three and nineteen hundredths seconds, and longitude seventy-one degrees, thirty-three minutes, thirty-four and fifty-one hundredths seconds.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1905.

Chap. 442 AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A BREAK-WATER IN VINEYARD HAVEN HARBOR.

Be it enacted, etc., as follows:

Harbor and
land commis-
sioners to
construct a
breakwater in
Vineyard
Haven harbor.

SECTION 1. The board of harbor and land commissioners is hereby directed to construct a stone breakwater on the westerly side of Vineyard Haven harbor, north of the steanboat wharf, in such a position as will best protect the anchorage ground used by fishing boats and other small craft, substantially as described in its twenty-sixth annual report, and for this purpose may expend a sum not exceeding ten thousand dollars.

May take
necessary land
or materials,
etc.

SECTION 2. Said board may take by purchase or otherwise, in the name and behalf of the Commonwealth, any land or materials necessary for the construction of said breakwater; and the manner of such taking and of determining the damages caused thereby or by any other doings of said board under the provisions of this act shall be the same as is provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking of land by the metropolitan park commission; and said board shall for the purposes of this act have all the powers conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid from the treasury of the Commonwealth to the persons entitled thereto or their legal representatives.

Damages.

SECTION 3. This act shall take effect upon its passage.

Approved May 24, 1905.

Chap. 443 AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICE AND CLERK OF THE POLICE COURT OF LEE.

Be it enacted, etc., as follows:

1904, 453, § 1,
amended.

SECTION 1. Section one of chapter four hundred and fifty-three of the acts of the year nineteen hundred and

four is hereby amended by striking out the word “and”, in the sixteenth line of class H, and by inserting after the word “Berkshire”, in the same line, the words:—and the police court of Lee,—so that the ninth paragraph of said section will read as follows:—*Class H.* Courts whose judicial districts have a population of from ten thousand to twenty thousand, to wit, the municipal court of Brookline, the municipal court of the Brighton district, the police court of Chicopee, the district court of central Middlesex, the second district court of southern Worcester, the district court of western Hampden, the police court of Newburyport, the third district court of Plymouth, the first district court of northern Middlesex, the third district court of southern Worcester, the second district court of Barnstable, the first district court of eastern Worcester, the fourth district court of Plymouth, the district court of southern Norfolk, the police court of Marlborough, the fourth district court of Berkshire, the district court of eastern Hampden, the first district court of Barnstable, the second district court of Essex, the district court of southern Berkshire and the police court of Lee; salaries:—Justice, twelve hundred dollars; clerk, seven hundred and twenty dollars.

Salaries of justices and clerks of certain courts, class II.

SECTION 2. The same section is further amended by striking out the words “and the police court of Lee”, in the fourth line of class I,—so that the tenth paragraph of said section will read as follows:—*Class I.* Courts whose judicial districts have a population of ten thousand or less, except the district court of Dukes County, to wit, the police court of Williamstown; salaries:—Justice, nine hundred dollars; clerk, five hundred and forty dollars.

1904, 453, § 1, amended.

Salaries of justices and clerks of certain courts, class I.

SECTION 3. The salaries herein provided to be paid to the justice and clerk of the police court of Lee shall be so allowed and paid from the first day of July in the year nineteen hundred and four.

Salaries of justice and clerk of police court of Lee to be allowed, etc., from July 1, 1904.

SECTION 4. Except as otherwise provided herein this act shall take effect upon its passage.

When to take effect.

Approved May 24, 1905.

Chap. 444 AN ACT TO PROVIDE FOR IMPROVEMENTS AND ADDITIONS AT
CERTAIN STATE INSTITUTIONS.

Be it enacted, etc., as follows:

Prisons and
Hospitals
Loan.

SECTION 1. To provide funds for the construction or enlargement of certain public institutions hereinafter named, and for the proper keeping of the insane and others committed to the care of the Commonwealth, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding four hundred and seventy-nine thousand five hundred dollars, for a term not exceeding thirty years. Such scrip or certificates of indebtedness shall be issued as registered bonds, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November. They shall be designated on the face thereof as the Prisons and Hospitals Loan, shall be countersigned by the governor, shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent. Such scrip or certificates of indebtedness shall be disposed of at public auction, or in such other manner, and at such times and prices, and in such amounts, and shall bear such rates of interest, not exceeding four per cent per annum, as shall be deemed for the best interests of the Commonwealth; but none of the same shall be sold at less than the par value thereof.

Sinking fund.

The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prisons and Hospitals Loan Sinking Fund, shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act; and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Expenditures.

SECTION 2. From the aforesaid loan expenditures may be made as follows: — By the trustees of the Foxborough

state hospital, a sum not exceeding one hundred thousand dollars, for the purpose of constructing additional buildings, and for a central heating, lighting and power plant.

Trustees of
Foxborough
state hospital.

By the trustees of the Massachusetts hospital for epileptics, a sum not exceeding seventy-five thousand dollars, for the purpose of constructing a new building at said institution capable of accommodating one hundred patients.

Trustees of
Massachusetts
hospital for
epileptics.

By the trustees of the Massachusetts School for the Feeble-Minded, a sum not exceeding ninety-one thousand dollars, for the following purposes: — For constructing one-story buildings, of wood, for fifty patients, at the Templeton colony, a sum not exceeding fourteen thousand dollars; and for the construction at Waltham of two dormitories of sufficient capacity to accommodate two hundred inmates, a sum not exceeding seventy-seven thousand dollars.

Trustees of
Massachusetts
School for the
Feeble-Minded.

By the trustees of the state colony for the insane, a sum not exceeding fifty-one thousand dollars, for constructing a group of one-story buildings to accommodate one hundred patients, with the necessary water supply and barns.

Trustees of
state colony
for the insane.

By the trustees of the state farm, a sum not exceeding sixty-one thousand dollars, for the following purposes: — For the construction of detached buildings for the accommodation of two hundred paupers, the same to include a ward for tuberculous patients, a sum not exceeding forty thousand dollars; for the construction of a new barn and stable, a sum not exceeding ten thousand dollars; for the construction of a school, reading and guard room for the use of prisoners when off duty, a sum not exceeding eight thousand dollars; and for the purchase of additional lands, a sum not exceeding three thousand dollars.

Trustees of
state farm.

By the trustees of the Taunton insane hospital, a sum not exceeding eight thousand five hundred dollars, for the following purposes: — For the construction of a stable for farm horses, a sum not exceeding four thousand dollars; and for the purchase of the Leonard farm, so-called, a sum not exceeding four thousand five hundred dollars.

Trustees of
Taunton
insane
hospital.

By the trustees of the Worcester insane asylum, a sum not exceeding ninety-three thousand dollars to be expended at the Grafton colony, for the following purposes: — For constructing a building to accommodate one hundred disturbed male patients, a sum not exceeding eighty thousand dollars; and for constructing of wood a building to

Trustees of
Worcester
insane asylum.

accommodate fifty male patients, a sum not exceeding thirteen thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved May 24, 1905.

Chap.445 AN ACT RELATIVE TO THE DISPOSAL OF FINES AND FORFEITURES ACCRUING UNDER THE PROVISIONS OF THE LAW RELATIVE TO THE PRESERVATION OF CERTAIN BIRDS AND GAME.

Be it enacted, etc., as follows:

R. L. 92, § 20,
amended.

Disposition of
certain fines.

Section twenty of chapter ninety-two of the Revised Laws is hereby amended by inserting after the word "fines", in the first line, the words:— and forfeitures, — so as to read as follows:— *Section 20.* All fines and forfeitures accruing under the provisions of this chapter shall be paid and disposed of in accordance with the provisions of section one hundred and thirty-seven of chapter ninety-one.

Approved May 24, 1905.

Chap.446 AN ACT TO APPROVE THE ACQUISITION BY THE UNITED STATES OF A TRACT OF LAND IN THE TOWNS OF HINGHAM AND WEYMOUTH.

Be it enacted, etc., as follows:

The United
States may
acquire certain
lands in
Hingham and
Weymouth.

SECTION 1. The consent of the Commonwealth is hereby granted to the United States of America to acquire by purchase or by condemnation lands situated in the towns of Hingham and Weymouth lying on both sides of and in the bed of Weymouth Back river, containing about eleven hundred acres, to be described in a plan or plans to be approved by the harbor and land commissioners, and to be used for the purposes of a naval magazine and for other purposes of national defence.

Jurisdiction
granted to the
United States.
Provisos.

SECTION 2. Jurisdiction over the area so acquired is hereby granted and ceded to the United States: *provided, always,* that the Commonwealth shall retain concurrent jurisdiction with the United States in and over the area so acquired, so far that all civil and criminal processes issuing under the authority of the Commonwealth may be executed on said land and in any buildings thereon, or which may be erected thereon, in the same manner as if jurisdiction had not been granted as aforesaid; and *provided, also,* that the exclusive jurisdiction shall revert to and revest in the Commonwealth whenever the area so

acquired shall cease to be used for purposes of national defence.

SECTION 3. The Commonwealth hereby cedes to the United States of America all tide water lands belonging to the Commonwealth within the area to be acquired as aforesaid, and hereby grants to the United States the exclusive use and occupation thereof, together with the right to fill and dredge thereon, and to erect and maintain any and all structures thereon: *provided, however*, that the same shall revert to and revest in the Commonwealth whenever the said lands shall cease to be used for the purposes herein set forth.

Certain tide waters ceded to the United States.

Proviso.

SECTION 4. This act shall be void unless plans of the land acquired under the provisions of this act, and approved by the harbor and land commissioners, shall be deposited in the office of the secretary of the Commonwealth within one year after the date of the acquisition.

Plans to be deposited with secretary of the Commonwealth.

Approved May 24, 1905.

AN ACT TO AUTHORIZE THE COMMITMENT OF INSANE PERSONS BY THE JUDGE OF PROBATE FOR THE COUNTY OF NANTUCKET.

Chap. 447

Be it enacted, etc., as follows:

SECTION 1. Section thirty-three of chapter eighty-seven of the Revised Laws, as amended by section one of chapter four hundred and fifty-nine of the acts of the year nineteen hundred and four, is hereby further amended by inserting after the word "county", in the first line, the words:—the judge of probate for Nantucket county,—so as to read as follows:—*Section 33.* Either of the judges of probate for Suffolk county, the judge of probate for Nantucket county, or a justice of a police, district or municipal court, except the municipal court of the city of Boston, within his county, may commit to an insane hospital, as provided in section thirty-one, an insane person then residing or being in said county who in his opinion is a proper subject for its treatment or custody.

R. L. 87, § 33, etc., amended.

Commitment of insane persons to state hospitals.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1905.

*Chap.*448 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO MAINTAIN
A FRANKLIN UNION AND TO ISSUE BONDS FOR THE PURPOSE
OF ACQUIRING A SITE THEREFOR.

Be it enacted, etc., as follows:

City of Boston
to maintain a
Franklin
Union.

SECTION 1. The city of Boston is hereby authorized to maintain an institution similar to the Cooper Union in the city of New York, to be known as the Franklin Union, and to pass ordinances for the maintenance and management of the institution.

May issue
bonds, etc.

SECTION 2. For the purpose of acquiring land for the said institution the treasurer of the city of Boston, upon the request of the mayor, shall issue within the debt limit bonds of the city to an amount not exceeding one hundred thousand dollars, and shall pay from the proceeds, on drafts of the chairman of the managers of the Franklin Fund, for a site for said institution, the title to which shall be vested in the said city. No part of the proceeds of the said bonds shall be used to pay for said building, its equipment or furnishings, which are to be provided by the said managers out of the said fund.

When to take
effect.

SECTION 3. This act shall take effect upon its acceptance by the city council of the city of Boston.

Approved May 24, 1905.

*Chap.*449 AN ACT TO PROVIDE FOR IMPROVING THE CHANNEL OF PASKAMANSETT RIVER IN THE TOWN OF DARTMOUTH.

Be it enacted, etc., as follows:

Harbor and
land commis-
sioners to
improve
channel of
Paskamansett
river in
Dartmouth.

SECTION 1. The board of harbor and land commissioners is hereby authorized to expend, in its discretion, a sum not exceeding two thousand dollars in deepening and improving the channel at the entrance of Paskamansett river in the town of Dartmouth.

May take
necessary land
or materials,
etc.

SECTION 2. Said board may take by purchase or otherwise, in the name and behalf of the Commonwealth, any land or materials necessary for the improvement of the said channel; and the manner of such taking and of determining the damages caused thereby or by any other doings of said board under the provisions of this act shall be the same as is provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking

of land by the metropolitan park commission; and said board shall for the purposes of this act have all the powers conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid to the person or persons entitled thereto. Damages.

SECTION 3. This act shall take effect upon its passage.

Approved May 24, 1905.

AN ACT TO PROVIDE FOR THE IMPROVEMENT OF THE HARBOR Chap.450
IN THE ISLAND OF CUTTYHUNK.

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commis- Harbor and
land commis-
sioners to
improve
harbor in
island of
Cuttyhunk.
sioners is hereby authorized and instructed to dredge and otherwise improve the harbor in the island of Cuttyhunk in the county of Dukes County, and for this purpose may expend a sum not exceeding five thousand dollars.

SECTION 2. Said board may take, by purchase or other- May take
necessary land
or materials,
etc.
wise, in the name and behalf of the Commonwealth, any land or materials necessary for making the improvements aforesaid. The manner of such taking and of determining the damages caused thereby, or by any other doings of said board under the provisions of this act, shall be that provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking of land by the metropolitan park commission; and said board shall for the purposes of this act have powers like those conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid to the person or persons entitled thereto. Damages.

SECTION 3. Any further expense necessary to the com- Additional
expense to be
borne by town
of Gosnold.
pletion of the work aforesaid, after the expenditure of the sum of money hereby authorized, shall be incurred and borne by the town of Gosnold, or by the citizens thereof.

SECTION 4. This act shall take effect upon its passage.

Approved May 24, 1905.

AN ACT TO PROVIDE FOR IMPROVING NANTUCKET HARBOR. Chap.451

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commis- Harbor and
land commis-
sioners to
improve
Nantucket
harbor.
sioners is hereby authorized to deepen and improve the harbor of Nantucket, and especially the channel between

Brant point and Hussey shoals; and for this purpose may expend a sum not exceeding five thousand dollars.

May take
necessary land
or materials,
etc.

SECTION 2. Said board may take by purchase or otherwise, in the name and behalf of the Commonwealth, any land or materials necessary for the improvement of the said channel; and the manner of such taking and of determining the damages caused thereby or by any other doings of said board under the provisions of this act shall be the same as is provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking of land by the metropolitan park commission; and said board shall for the purposes of this act have all the powers conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid to the persons entitled thereto.

Damages.

Additional
expense to be
borne by town
of Nantucket.

SECTION 3. Any further expense necessary to the completion of the work aforesaid, after the expenditure of the sum of money hereby authorized, shall be incurred and borne by the town of Nantucket, or by the citizens thereof.

SECTION 4. This act shall take effect upon its passage.

Approved May 24, 1905.

Chap. 452 AN ACT TO ESTABLISH THE SALARIES OF THE COURT OFFICERS IN ATTENDANCE AT THE SESSIONS OF THE MUNICIPAL COURT FOR CRIMINAL BUSINESS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Salaries of
certain court
officers
established.

SECTION 1. The court officers in attendance at the sessions of the municipal court for criminal business in the city of Boston shall each receive an annual salary of seventeen hundred dollars, to be paid from the treasury of the county of Suffolk in monthly instalments, in full for all services performed by them.

SECTION 2. This act shall take effect upon its passage.

Approved May 24, 1905.

Chap. 453 AN ACT TO DIRECT THE BOARD OF HARBOR AND LAND COMMISSIONERS TO DREDGE THE EASTERLY SHORE OF THE DORCHESTER DISTRICT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Harbor and
land commis-
sioners to

SECTION 1. The board of harbor and land commissioners is hereby authorized to dredge the channel lead-

ing from Commercial Point in the Dorchester district of the city of Boston in a northwesterly direction in extension of the channel dredged under the authority of chapter four hundred and thirty-nine of the acts of the year nineteen hundred and three, and following generally the course of the harbor line on the southerly side of the bay lying northwest of Commercial Point aforesaid, within and without the harbor lines, in its discretion, to a depth not exceeding twelve feet at mean low water and to a width not exceeding seventy-five feet.

dredge easterly shore of Dorchester district.

SECTION 2. The said board may expend for the purposes of this act a sum not exceeding five thousand dollars in the year nineteen hundred and five, and a sum not exceeding five thousand dollars in the year nineteen hundred and six, to be paid out of the treasury of the Commonwealth.

May expend a certain sum.

SECTION 3. This act shall take effect upon its passage.

Approved May 25, 1905.

AN ACT TO PROHIBIT THE REDEMPTION OF CERTAIN OBLIGATIONS WITHOUT REFERENCE TO THE AMOUNT PAID THEREON. Chap. 454

Be it enacted, etc., as follows:

SECTION 1. Section seven of chapter seventy-three of the Revised Laws is hereby amended by adding at the end thereof the words:— No person or corporation shall redeem any bonds, certificates or obligations of any kind in numerical order or in any arbitrary order of precedence without reference to the amount previously paid thereon by the holder thereof, whether they are sold on the instalment plan or otherwise, — so as to read as follows:— *Section 7.* No person or corporation shall issue, negotiate or sell any bonds, certificates or obligations of any kind, which are by the terms thereof to be redeemed in numerical order or in any arbitrary order of precedence without reference to the amount previously paid thereon by the holder thereof, whether they are sold on the instalment plan or otherwise. No person or corporation shall redeem any bonds, certificates or obligations of any kind in numerical order or in any arbitrary order of precedence without reference to the amount previously paid thereon by the holder thereof, whether they are sold on the instalment plan or otherwise.

R. L. 73, § 7, amended.

Bonds, etc., redeemable in numerical order, etc., not to be issued, etc.

R. L. 73, § 8,
amended.

Penalties.

SECTION 2. Section eight of chapter seventy-three of the Revised Laws is hereby amended by striking out the first two lines and inserting in place thereof the words: — Whoever violates the provisions of the preceding section shall for each offence be punished by a fine of not more than two thousand dollars, or by imprisonment for not more than one year, — and by adding at the end of said section the words: — The court may appoint a receiver to take possession of the property of such corporation, association or organization, and to close up the business, subject to the order of the court, — so as to read as follows: — *Section 8.* Whoever violates the provisions of the preceding section shall for each offence be punished by a fine of not more than two thousand dollars, or by imprisonment for not more than one year. Such violation by a domestic corporation shall operate as a forfeiture of its franchise; and such violation by a foreign corporation, association or organization shall operate as a discontinuance of its right to do business in this Commonwealth, and the supreme judicial court or the superior court, upon the application of the commissioner of corporations, shall have jurisdiction in equity to enjoin such foreign corporation, association or organization from further continuing its business in this Commonwealth. The court may appoint a receiver to take possession of the property of such corporation, association or organization, and to close up the business, subject to the order of the court.

SECTION 3. This act shall take effect upon its passage.

Approved May 25, 1905.

Chap. 455 AN ACT TO APPROVE THE PURCHASE BY THE UNITED STATES OF CERTAIN TRACTS OF LAND IN THE TOWN OF HULL, AND TO CEDE JURISDICTION OVER THE SAME TO THE NATIONAL GOVERNMENT.

Be it enacted, etc., as follows:

The provisions
of 1898, 512,
extended to
include certain
land.

SECTION 1. The provisions of chapter five hundred and twelve of the acts of the year eighteen hundred and ninety-eight, entitled "An Act to approve the purchase by the United States of two tracts of land in the town of Hull, and to cede jurisdiction over the same to the national government", are hereby extended to include all

those lands heretofore acquired by the United States and now constituting the military reservation of Fort Revere, Massachusetts, aggregating, with beach and flats to low water mark, about seventy-seven and one half acres — the same being shown on a map or survey of said reservation in June, nineteen hundred and four, by first lieutenant G. R. Lukesh, Corps of Engineers, United States Army, under the direction of Lieutenant Colonel W. S. Stanton, Corps of Engineers, United States Army.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1905.

AN ACT TO AUTHORIZE THE METROPOLITAN PARK COMMISSION TO LAY OUT, EXTEND AND CONSTRUCT ROADWAYS AND PARKWAYS ACROSS RAILROADS, AND TO MAKE CERTAIN AGREEMENTS WITH RAILROAD COMPANIES.

Chap. 456

Be it enacted, etc., as follows:

SECTION 1. The metropolitan park commission is hereby authorized to make and enter into such agreements with any railroad corporation as may be necessary to secure or facilitate the laying out, extension, construction and maintenance of a roadway or parkway under the care, custody or control of said commission across railroad lands or locations, and to indemnify such railroad corporation against any claims for damages to persons or property, arising out of such laying out, extension, construction and maintenance.

The metropolitan park commission may construct roadways, etc., across railroads, etc.

SECTION 2. Said commission shall give the railroad corporation thirty days' notice in writing of the proposed work, accompanied by a plan thereof; and in case said commission is unable to agree with the railroad corporation across whose land or location it desires to lay out, extend and construct a roadway or parkway, it may have the question of its right to cross and the manner of crossing determined by the board of railroad commissioners: *provided, however*, that no crossing of such roadway or parkway shall be at a level with the railroad tracks and that no such roadway or parkway shall be laid out, extended and constructed across a railroad in such manner as to injure or obstruct the railroad.

To give notice to railroad corporations, etc.

Proviso.

SECTION 3. Said board, upon petition of the commission, and after due notice to the railroad company, shall

Railroad commission may make a decree, etc.

hear the parties; and the board, if of opinion that said petition should be granted, shall make a decree describing the place, time and manner of constructing such crossing, and how much, if any, of the work made necessary by such crossing shall be done by the railroad company; and thereafter said commission may lay out, construct and maintain such roadway or parkway across the railroad in accordance with the terms of said decree.

Payment of
expense.

SECTION 4. All expenses of and incident to constructing and maintaining any roadway or parkway crossing a railroad as herein provided shall be borne by the Commonwealth and shall be paid out of the funds available for use by said commission, unless otherwise determined by an agreement between said commission and any such railroad corporation.

Damages.

SECTION 5. The damages sustained by any railroad corporation by reason of the laying out, extension, construction and maintenance of a roadway or parkway under this act may be assessed by a jury of the superior court in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways: *provided, however*, that no suit for such damages shall be brought after the expiration of three years from the day when the railroad is entered upon for the purpose of constructing any roadway or parkway as authorized herein.

Proviso.

SECTION 6. This act shall take effect upon its passage.

Approved May 25, 1905.

Chap. 457 AN ACT RELATIVE TO ASSESSMENTS UPON CITIES AND TOWNS IN THE METROPOLITAN WATER, SEWERAGE AND PARK DISTRICTS.

Be it enacted, etc., as follows:

Assessments
upon cities and
towns in the
metropolitan
water, sewer-
age and park
districts.

SECTION 1. In case any apportionment for assessment upon the cities and towns of either the metropolitan water, sewerage or park districts shall not have been finally determined by July first of any year, the last apportionment thereof shall remain in force for the purpose of assessment during such current year. Any difference between such apportionment when finally made by the commission, for such year, and the preëxisting apportionment above referred to, shall be adjusted with such city or town by the treasurer and receiver general in the assessment of the

succeeding year by a deduction therefrom or an addition thereto, as may be required to give effect to the said apportionment when made as aforesaid.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1905.

AN ACT RELATIVE TO FAMILY CARE FOR SUITABLE INMATES
OF INSTITUTIONS FOR THE INSANE. Chap. 458

Be it enacted, etc., as follows:

SECTION 1. Chapter eighty-seven of the Revised Laws is hereby amended by striking out section one hundred and two and inserting in place thereof the following: — *Section 102.* Any patient in an institution, public or private, used wholly or in part for the care of the insane, who is quiet and not dangerous nor committed as a dipsomaniac or inebriate, and who is under the supervision of the state board of insanity, may be placed by said board, if it considers it expedient, at board in a suitable family or place in the Commonwealth or elsewhere. Any such patient in a public institution used wholly or in part for the care of the insane may so be boarded by the trustees thereof, and such boarder shall be deemed to be an inmate of said institution. The cost to the Commonwealth of the board of such paupers shall not exceed three dollars and twenty-five cents a week for each person.

R. L. 87, § 102,
amended.

Certain insane
persons may
be boarded in
families.

SECTION 2. Said chapter eighty-seven is hereby further amended by striking out section one hundred and three and inserting in place thereof the following: — *Section 103.* Bills for the support of persons who are boarded in families by the state board of insanity at public expense shall be payable quarterly, and shall be audited by said board, and the board shall, at the end of March, June, September and December, present to the auditor a schedule of all such bills as have been incurred, and said board shall keep a register in such form that the auditor shall be able to verify such schedules.

R. L. 87, § 103,
amended.

Bills for board,
how paid.

SECTION 3. Said chapter eighty-seven is hereby further amended by striking out section one hundred and four and inserting in place thereof the following: — *Section 104.* The state board of insanity shall cause all persons who are boarded by it in families at public expense to be visited at least once in three months, and all persons who are boarded in families at public expense by

R. L. 87, § 104,
amended.

Visitations by
board, etc.

the trustees of any institution authorized to board out its inmates to be visited once in six months, by an agent of said board. The trustees of every institution authorized to board out its inmates shall cause all persons who are so boarded by them in families at public expense to be visited at least once in three months, and shall inform the state board of insanity of the location of every such boarder, and shall furnish such other information as the board may require.

R. L. 87, § 105,
amended.

Persons found
to be abused
or neglected,
etc., to be
removed.

Temporary
absences may
be permitted in
certain cases,
etc.

SECTION 4. Said chapter eighty-seven is hereby further amended by striking out section one hundred and five and inserting in place thereof the following:—*Section 105.* Said state board shall cause to be removed to an institution used wholly or in part for the care of the insane or to a better boarding place all persons who, upon visitation, are found to be abused, neglected or improperly cared for when boarded out in families. Said board may permit any boarder temporarily to leave custody as an insane person in charge of his guardian, relatives, friends or by himself, for a period not exceeding one year, and may receive him again into such custody when returned by any such guardian, relatives, friends or upon his own application, within such period, without any further order of commitment, and may, during such temporary absence, assist in his maintenance to an amount not exceeding three dollars and twenty-five cents a week.

SECTION 5. This act shall take effect upon its passage.

Approved May 25, 1905.

Chap. 459 AN ACT TO PROVIDE FOR THE IDENTIFICATION OF CRIMINALS.

Be it enacted, etc., as follows:

Identification
of certain
criminals.

SECTION 1. The keeper of a place of detention or penal institution to which a person is committed under a sentence of imprisonment for a felony by a court of competent jurisdiction shall, unless the court otherwise orders, cause to be taken a photograph and the name, age, height, weight and a general description of such person, and copies of his finger-prints in accordance with the finger-print system of identification of criminals, and, if the keeper deems it advisable, the measurements of such person in accordance with the so-called Bertillon system. The court may, in its discretion, order to be taken the photograph, and the aforesaid description, finger-prints,

and measurements of a person convicted of a felony who is not committed to a penal institution. All such photographs and identifying matter shall be transmitted forthwith to the prison commissioners.

SECTION 2. The photographs and identifying matter obtained in accordance with the provisions of section one shall be kept in the office of the prison commissioners. Said commissioners shall, upon request, furnish the same to the chief of police of a city or town in the Commonwealth, and, if they deem it advisable, to police authorities outside of the Commonwealth. Said commissioners are hereby authorized to appoint an agent to assist them in receiving, recording and keeping the said photographs and identifying matter. The clerk shall be subject to the direction of the commissioners and shall perform such duties and receive from the Commonwealth such salary as they shall determine.

Photographs, etc., to be kept in office of prison commissioners, etc.

Approved May 25, 1905.

AN ACT RELATIVE TO THE LOCATION OF THE TUNNEL IN THE CITY OF BOSTON PROVIDED FOR BY CHAPTER FIVE HUNDRED THIRTY-FOUR OF THE ACTS OF THE YEAR NINETEEN HUNDRED AND TWO.

Chap. 460

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and sixty-seven of the acts of the year nineteen hundred and four is hereby amended by striking out section one and inserting in place thereof the following:— *Section 1.* The structure for two tracks especially adapted for elevated cars or trains for which provision is made in chapter five hundred and thirty-four of the acts of the year nineteen hundred and two, therein called the tunnel, may be located and constructed by the Boston Transit Commission, northerly of the junction of Washington street and Adams square, in and through the existing subway or any part or parts thereof, or in public or private lands outside thereof. When such structure is so located the commission may make such changes in or additions to the subway, by enlargements thereof or branch structures, in Washington street or in other public or private lands northerly of a line drawn east and west through said junction, as may be necessary for the accommodation of subway traffic. In all action hereunder the commission shall have all the powers conferred by said act so far as necessary

1904, 167, § 1, amended.

Construction, etc., of a tunnel in the city of Boston.

therefor, and shall be subject to the provisions of section thirteen thereof. In any case arising under said section thirteen the board shall have and may exercise any and all powers which might have been exercised by the commission. All expenses incurred hereunder, whether by way of compensation for the use of a part or parts of the subway, or for the taking of private lands for track or station purposes, or otherwise, shall be deemed a part of the cost of the tunnel under said act.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1905.

Chap.461 AN ACT TO ESTABLISH THE SALARY OF THE CHIEF FIRE INSPECTOR OF THE DISTRICT POLICE.

Be it enacted, etc., as follows:

Salary of chief
fire inspector
of district
police estab-
lished.

SECTION 1. The salary of the chief fire inspector of the detective department of the district police shall be eighteen hundred dollars a year, to be so allowed from the first day of January in the year nineteen hundred and five.

Repeal.

SECTION 2. So much of section one of chapter four hundred and thirty-three of the acts of the year nineteen hundred and four as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved May 25, 1905.

Chap.462 AN ACT TO AUTHORIZE THE TOWN OF COHASSET TO HOLD ITS ANNUAL TOWN MEETING FOR THE CURRENT YEAR IN ANY MONTH SUBSEQUENTLY TO APRIL.

Be it enacted, etc., as follows:

Town meeting,
Cohasset, 1905.

SECTION 1. The town of Cohasset is hereby authorized and permitted to hold its annual town meeting for the election of its officers for the current year in either the month of May or in the month of June, nineteen hundred and five, or in any subsequent month of this year.

SECTION 2. This act shall take effect upon its passage.

Approved May 25, 1905.

AN ACT TO PROVIDE FOR DREDGING THE FLATS IN BOSTON HARBOR NEAR JEFFRIES POINT. *Chap. 463*

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby authorized and directed to dredge the flats in Boston harbor, near Jeffries Point, from the channel northeasterly to the said Jeffries Point and to the state land at the continuation of Maverick street, making a channel not less than sixty feet in width and not less than twelve feet in depth at mean low water: *provided, however,* that before any money shall be expended by said board, there shall be executed and delivered, in form to be approved by the attorney-general, a bond to the Commonwealth with sureties satisfactory to the treasurer and receiver general, conditioned for building within a reasonable time after the dredging is completed, a double marine railway substantially in accordance with the plans and specifications deposited in the office of said board, marked "Marine Railway at Jeffries Point, April, 1905."

Harbor and land commissioners to dredge flats in Boston harbor near Jeffries Point.

Proviso.

SECTION 2. For the above purpose the said board may expend a sum not exceeding ten thousand dollars.

May expend certain sum.

SECTION 3. This act shall take effect upon its passage.

Approved May 25, 1905.

AN ACT RELATIVE TO THE PROTECTION OF MINORS IN THE RELIGIOUS BELIEF OF THEIR PARENTS, WHEN SUCH MINORS ARE WARDS OF THE COMMONWEALTH. *Chap. 464*

Be it enacted, etc., as follows:

SECTION 1. No parents, or surviving parent, of any minor child in the care or under the supervision of the state board of charity, or of any state commission, or of any state board of trustees, shall be denied the right of any child of theirs to the free exercise of the religious belief of his parents and the liberty of worshipping God according to the religion of his parents, or surviving parent, or of the religion which his parents professed, if they are both deceased; and no minor child in the care, or under the supervision of any state board of charity, or of any state commission, or state board of trustees, shall be denied the free exercise of the religion of his parents, or of his surviving parent, or of his parents if they are

Protection of minor wards of the Commonwealth in the religious belief of their parents.

both deceased, nor the liberty of worshipping God according to the religion of his parents, whether living or deceased.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved May 25, 1905.

Chap. 465

AN ACT RELATIVE TO THE MILITIA.

Be it enacted, etc., as follows:

SECTIONS 1-11. — Enrolled Militia.

SECTIONS 12-21. — Staff of the Commander-in-Chief and its Duties.

SECTIONS 22-177. — Volunteer Militia.

SECTIONS 178-194. — General Provisions.

ENROLLED MILITIA.

Persons exempt from Military Duty.

Certain words defined.

SECTION 1. In this chapter the word "soldier" shall include musicians and all persons in the volunteer or reserve militia, except commissioned officers; and the word "company" shall include battery, troop, signal corps and hospital corps.

Persons to be enrolled in the militia.

SECTION 2. Every able-bodied male citizen, and every able-bodied male of foreign birth who has declared his intention to become a citizen, resident within this Commonwealth, of the age of eighteen years and under the age of forty-five years, except persons exempted by sections three, four and six, and idiots, lunatics, common drunkards, vagabonds, paupers and persons convicted of any infamous crime, shall be enrolled in the militia. Persons convicted of any such crime after enrolment shall forthwith be disenrolled. In all cases of doubt respecting the age of a person enrolled, the burden of proof shall be upon him.

Exemptions.

SECTION 3. In addition to the persons exempted by the laws of the United States from enrolment in the militia, the following persons shall also be absolutely exempt: justices and clerks of courts of record; judges and registers of probate and insolvency; registers of deeds, and sheriffs; officers who have held or may hold commissions in the regular or volunteer army or navy of the United States; officers who have held, for a period of five years, commissions in the militia of this or any other state of

the United States, or who have been superseded and discharged, or who have held commissions in any organization of the Massachusetts volunteer militia at the time of its disbandment; enlisted men who have served honorably in the volunteer militia continuously for a period of nine years; ministers of the gospel; practising physicians; superintendents, officers and assistants employed in or about any of the state hospitals, state almshouses, state prisons, jails or houses of correction; keepers of light-houses; conductors and engine drivers of railroad trains; seamen actually employed on board of any vessel, or who have been so employed within three months next preceding the time of enrolment.

Exemptions.

SECTION 4. Every person of the religious denominations of Quakers or Shakers, if conscientiously scrupulous of bearing arms, who annually before the first Tuesday in May, delivers to the assessors of the place where he resides a certificate signed by two of the elders or overseers of the society with which he meets for public religious worship, shall be exempt from enrolment. The certificate shall be in the following form: —

Quakers, Shakers, etc., exempted, when.

We, the subscribers of the society of the people called in the of , in the county of , do hereby certify that is a member of our society, and that he frequently and usually attends religious worship with said society, and we believe he is conscientiously scrupulous of bearing arms.

A. B., *Elders or Overseers.*

E. F., *Clerk.*

C. D. (as the case may be).

SECTION 5. Whoever gives or files a false certificate under the preceding section shall be punished by a fine of two hundred dollars and by imprisonment for not more than six months.

Penalty for giving, etc., false certificate.

SECTION 6. Enginemen or members of the fire department shall be exempt from military duty upon filing with the assessors of the place where they reside a certificate, signed by the mayor and aldermen or fire commissioners or the selectmen; but an enlistment in the volunteer militia shall not be vacated by an appointment as engineman or member of the fire department.

Members of fire departments exempted.

SECTION 7. The militia shall consist of two classes, namely, the organized militia, to be known as the Massachusetts Volunteer Militia, composed and organized as

Organized and reserve militia.

hereinafter provided; and the remainder to be known as the reserve militia. The reserve militia shall be subject to no active duty except in case of war, invasion, the prevention of invasion, the suppression of riots and to aid civil officers in the execution of the laws.

Enrolment of Persons Subject to Military Duty.

Assessors to make list of persons liable to enrolment.

SECTION 8. Assessors shall annually, in May or June, make a list of persons living within their respective limits liable to enrolment, and shall place a certified copy thereof in the hands of the clerks of their respective cities and towns, who shall place it on file with the records of such city or town, and annually, in May, June or July, transmit returns of the militia thus enrolled to the adjutant general.

Keepers of taverns, etc., to give information to assessors upon application.

SECTION 9. Keepers of taverns or boarding houses, and masters and mistresses of dwelling houses, shall, upon application of the assessors, or of persons acting under them, give information of the persons residing in their houses, liable to enrolment or to military duty, and every such person shall, upon like application, give his name and age; and if such keeper, master, mistress or person refuses to give such information, or gives false information, such keeper, master or mistress shall forfeit twenty dollars, and such person shall forfeit twelve dollars, to be recovered on complaint of any of the assessors.

Penalty.

Calling Out and Organizing for Active Duty.

Calling out of reserve militia for active duty.

SECTION 10. When it is necessary to call out any portion of the reserve militia for active duty, the commander-in-chief shall direct his order to the mayor and aldermen or to the selectmen, who shall forthwith, by written order or oral notice to each individual, or by proclamation, appoint a time and place for the assembling of the reserve militia in their city or town, and shall then and there draft as many thereof, or accept as many volunteers, as are required by the order of the commander-in-chief, and shall forthwith forward to him a list of the persons so drafted or accepted as volunteers.

Penalty for failure to appear or furnish substitute.

SECTION 11. Every member of the reserve militia so ordered out, or who volunteers or is detached or drafted, who does not appear at the time and place designated by

the mayor and aldermen or selectmen, or who has not some proper substitute at such time and place, or does not pay to such mayor and aldermen or selectmen, for the use of the Commonwealth, seventy-five dollars, within twenty-four hours from such time, or who does not produce a sworn certificate, from a physician in good standing, of physical disability so to appear, shall be taken to be a deserter, and dealt with accordingly. The portion of the reserve militia so accepted shall immediately be mustered into the service of the Commonwealth for three years, or for such less period as the commander-in-chief may direct, and shall be organized into companies, which may be arranged in battalions or regiments, or assigned to organizations of the volunteer militia already existing. Such new organizations shall be officered, equipped, trained and governed according to the laws for the government of the volunteer militia. Elections shall forthwith be ordered in such new organizations by the commander-in-chief, who may detail officers to train and command them until the officers-elect shall have qualified and have passed the examination required by section fifty-nine.

Muster in,
organization,
etc., of ac-
cepted militia.

Election of
officers.

STAFF OF THE COMMANDER-IN-CHIEF AND ITS DUTIES.

SECTION 12. The staff of the commander-in-chief shall consist of an adjutant general, who shall, ex officio, be chief of staff, a surgeon general and an inspector general, a commissary general, a quartermaster general and a judge advocate general, each with the rank of brigadier general; an assistant adjutant general, and an inspector general of small arms practice, each with the rank of colonel; six assistant inspectors general, five with the rank of lieutenant colonel and one with corresponding naval rank; an assistant quartermaster general and four aides-de-camp, each with the rank of major. In time of peace the adjutant general, unless otherwise directed by the commander-in-chief, shall be quartermaster general and commissary general. In time of war the commander-in-chief may appoint such additional staff officers as the service may require, with such rank, not higher than that of colonel, as he may designate. All staff officers shall be commissioned and hold office until their successors are appointed and qualified, but they may be removed at any time by the commander-in-chief.

Staff of com-
mander-in-
chief.

Term of
office.

Certain
persons not
eligible.

No person shall be eligible to appointment on the staff of the commander-in-chief unless he has served at least three years in the volunteer militia of the Commonwealth, or unless he has been honorably discharged or retired from the military or naval service of the United States.

Adjutant
general, duties.

SECTION 13. The adjutant general shall distribute all orders from the commander-in-chief; obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by the laws of the Commonwealth and of the United States; furnish blank forms for the different returns and rolls as required; receive from the several officers of the volunteer militia returns of the militia under their command, which they are hereby required to make, reporting the actual condition of their uniforms, arms, accoutrements and ammunition, their delinquencies and every other thing relating to the advancement of good order and discipline; and from said returns he shall make proper abstracts and lay the same annually before the commander-in-chief; and he shall annually, on or before the first Monday in January, make a return in duplicate of the militia of the Commonwealth, with the condition of their uniforms, arms, accoutrements and ammunition, according to such directions as he may receive from the secretary of war of the United States, one copy of which he shall deliver to the commander-in-chief and the other copy of which he shall transmit to the president of the United States. He shall also, subject to the orders of the commander-in-chief, attend to the prosecution of soldiers' claims. The adjutant general shall also make returns to the secretary of war of the United States, at such times and in such form as the secretary of war shall from time to time prescribe, of the strength of the organized militia, and such reports as may, from time to time, be required by the secretary of war.

Salary of
adjutant gen-
eral, clerks,
etc.

SECTION 14. The adjutant general shall receive a salary of three thousand six hundred dollars a year, and may employ five clerks, — one at a salary of twenty-two hundred dollars a year, one at a salary of two thousand dollars a year, one at a salary of sixteen hundred dollars a year, and two at a salary of twelve hundred dollars each a year, — and a messenger at a salary of eight hundred dollars a year. He may employ such additional clerks and other assistants as may be necessary in his department, and in the

quartermaster's and ordnance bureau, at an expense in all not exceeding eight thousand three hundred dollars a year.

SECTION 15. The quartermaster general shall give bond to the Commonwealth in the penal sum of twenty thousand dollars, with two sureties at least, to be approved by the governor and council, conditioned faithfully to perform the duties of his office, to use all necessary diligence and care in the safe keeping of military stores and property of the Commonwealth committed to his custody, and to account for and deliver over to his successor or to any other person authorized to receive the same, such stores and property. The commander-in-chief may require the duties imposed upon the quartermaster general to be performed by any member of his staff, who shall in that case give bond to the Commonwealth in like manner as is required of the quartermaster general. The quartermaster general, under the orders of the commander-in-chief, shall have the care and control of the state camp ground and all other land held for military purposes, of all state arsenals and magazines, of the soldiers' burial lot and monument at Dedham, and of all military property of the Commonwealth except such as is by law expressly intrusted to the keeping of other officers. He shall purchase or draw by requisition from the United States and shall issue all arms, ammunition, clothing, camp equipage and military supplies and stores of every description, except surgical instruments and medical supplies. He shall procure and provide means of transport for the militia and for all its implements, munitions of war and military supplies; such transportation to be in kind whenever practicable. He may receive into the storehouse at the state camp ground, from the several militia organizations, such articles of personal property used for military camping purposes as can be kept therein, which articles shall be received and delivered at the expense of the owners and held at their risk. He shall, at the public expense, provide suitable places for the safe keeping of all munitions of war, intrenching tools and all other implements of war. Such tools and implements shall be designated as the property of the Commonwealth by suitable permanent brands or marks on each of them. He may allow annually proper accounts for the repairs of uniforms and equipments. He shall adjust all accounts relating to loans of state military property to cities and towns, institutions and schools, and

Quartermaster general, bond, duties, etc.

To have care, etc., of camp ground and arsenals, etc.

To purchase arms, ammunition, procure transportation, etc.

To allow for repair of uniforms and equipments, etc.

shall require annual returns of such property and of its condition, at such times and in such manner as he may direct, and may at any time, under the direction of the commander-in-chief, recover the whole or any part of such property as he may deem for the best interests of the Commonwealth.

Penalty for
buying
branded tools,
etc.

SECTION 16. Whoever wrongfully purchases, retains or has in his possession any tool or implement marked or branded as provided in the preceding section, or any weapon of ordnance or article of clothing, camp and garrison equipage or field equipage issued by the United States or the Commonwealth of Massachusetts, unless the same shall have been issued to him or is in his possession in accordance with law, shall be punished by a fine not exceeding ten times the value thereof. Every officer and enlisted man of the militia who may lose through carelessness or neglect, carry away or unlawfully dispose of arms, equipments or other military property belonging to the United States or to the Commonwealth of Massachusetts, shall be charged with the money value thereof, as determined by a surveying officer or a board of survey appointed by the commander-in-chief to investigate and report upon the case and to submit with such report all the evidence bearing upon the loss or disposition of the property.

Penalty for
unlawful
disposition,
etc., of military
property.

Inspections.

SECTION 17. The adjutant general, or such other officers as the commander-in-chief shall designate, shall inspect once in every year, and oftener if the commander-in-chief shall deem it necessary, all headquarters, armories and state property in the hands of the militia, and shall report the condition of the same, and what is a proper allowance for rent. The superintendent of the state arsenal may, under orders, inspect state property in armories and ascertain what supplies are needed. The inspector general, or his assistants under his orders, may inspect any organization at any time when the troops thereof are under arms, or in attendance at their armories; but such inspections shall not constitute tours of duty for which pay will be allowed.

Surgeon gen-
eral, salary,
duties, etc.

SECTION 18. The surgeon general shall receive a salary of twelve hundred dollars a year; and, subject to the orders of the commander-in-chief, shall have general supervision and control of all matters pertaining to the medical department of the militia, and shall prescribe the physical and mental disabilities exempting from military duty.

He shall purchase and issue all medical and hospital supplies, and shall perform such other official duties as the commander-in-chief shall direct.

SECTION 19. The judge advocate general shall review and report in writing upon all proceedings of courts-martial requiring the action of the commander-in-chief; shall bring all necessary actions; and shall be the legal adviser of the military department of the Commonwealth in matters referred to him by the commander-in-chief.

Judge advocate general.

SECTION 20. The inspector general, surgeon general, judge advocate general and all other staff officers of the commander-in-chief who are or may be required to make annual reports, shall, on or before the fifteenth day of December, forward the same to the adjutant general, who shall publish them with his annual report to the commander-in-chief.

Annual reports of staff officers.

SECTION 21. The adjutant general, inspector general, quartermaster general, commissary general, the surgeon general, or any assistant of any of them, whether appointed or detailed to act as such, or any subordinate officers of their departments, shall not be interested, directly or indirectly, in the purchase or sale of any article intended for, making a part of, or appertaining to, their respective departments, except for and on account of the Commonwealth; nor shall they or any of them take or apply to his or their own use any gain or emolument other than is allowed by law for negotiating or transacting any business in their respective departments.

Officers not to be pecuniarily interested in purchases or sales for their departments.

VOLUNTEER MILITIA.

Organization and Disbandment.

SECTION 22. The active or organized militia shall be composed of volunteers, and shall be designated the Massachusetts volunteer militia. It shall be ordered into service to resist invasion, to quell insurrection, to aid civil officers in the suppression of riots, in the execution of the laws or in time of public danger, before the reserve militia is called out.

Active militia, designation of.

SECTION 23. In time of peace, the volunteer militia shall consist of not more than seventy-two companies of infantry; three troops of cavalry; three batteries of field artillery; one signal corps; one hospital corps; two corps of cadets; and one naval brigade.

Strength of volunteer militia in peace.

Brigades,
regiments,
battalions, etc.

SECTION 24. The commander-in-chief shall arrange the infantry, artillery and cavalry into regiments, battalions, and squadrons and, when necessary, into unattached companies, and into not more than two brigades. There shall not be more than six regiments of infantry, one regiment or more of which, at the discretion of the governor, may be changed to coast artillery and uniformed and instructed as such and be designated as the corps of coast artillery. The signal corps and hospital corps shall be unattached except as the commander-in-chief may from time to time otherwise direct.

Organization
of new com-
panies.

SECTION 25. Petitions for organizing volunteer companies, accompanied by the approval of the mayor and aldermen of cities or the selectmen of towns in which a majority of the petitioners reside, may be granted by the commander-in-chief, due regard being had to a proper distribution of the force throughout the Commonwealth; but no new company shall be organized except as provided in section eleven, if thereby the whole number of companies would exceed the number established in this chapter.

Strength of
companies.

SECTION 26. The minimum for the strength of a company prescribed by this act shall continue in force so long as it is greater than the minimum which the president of the United States may fix under United States law, and shall be increased by order of the commander-in-chief to the strength designated by the president whenever the minimum so designated becomes greater than the minimum prescribed by this act.

Brigadier
general and
staff.

SECTION 27. To each brigade there shall be one brigadier general, who shall hold office for the term of seven years, and who shall be ineligible for reelection. His staff shall consist of one assistant adjutant general and one surgeon, each with the rank of lieutenant colonel; one inspector, one judge advocate, one quartermaster, one commissary, one ordnance officer, each with the rank of major; one engineer, one veterinary surgeon and two aides-de-camp, each with the rank of captain. The judge advocate shall be a justice of the peace and a member of the bar of the Commonwealth. To the headquarters of each brigade may be allowed at the discretion of the commander-in-chief an enlisted strength of eight men mounted, to be enlisted by the permanent brigade commander, with such rank and duties as the commander-in-chief may prescribe,

in accordance with the provisions of section thirty-four, and additional to those provided for therein.

SECTION 28. To each regiment there shall be one colonel, one lieutenant colonel, three majors, and a staff consisting of one surgeon with the rank of major, one regimental adjutant, one quartermaster, one commissary of subsistence, one paymaster who shall be mustering officer, and one assistant surgeon, each with the rank of captain; one assistant surgeon, one inspector of small arms practice, and three battalion adjutants, each with the rank of first lieutenant; one second lieutenant to each battalion as quartermaster and commissary of subsistence; and one chaplain. To each squadron of cavalry there shall be one major, and a staff consisting of one assistant surgeon with the rank of captain, one adjutant, one quartermaster, one commissary of subsistence, one assistant surgeon, one paymaster who shall be mustering officer, one inspector of small arms practice, each with the rank of first lieutenant, and one chaplain. To each battalion of field artillery there shall be one major, and a staff consisting of one assistant surgeon with the rank of captain, one adjutant, one quartermaster, one commissary of subsistence, one assistant surgeon, one paymaster who shall be mustering officer, each with the rank of first lieutenant, and one chaplain. There shall be attached to the headquarters of each regiment, squadron of cavalry and battalion of field artillery such non-commissioned staff officers, color sergeants, guidon sergeants, musicians, orderlies or other enlisted men as the commander-in-chief shall prescribe in accordance with the provisions of section thirty-four.

Regimental,
cavalry and
artillery
officers.

SECTION 29. To each company of infantry and coast artillery there shall be one captain, one first lieutenant, one second lieutenant, and an enlisted strength of not more than sixty for infantry and sixty-two for coast artillery; and the minimum of enlisted men shall be forty-one. To each troop of cavalry there shall be one captain, one first lieutenant, one second lieutenant, and an enlisted strength of not more than seventy-eight; and the minimum of enlisted men shall be fifty-six. To each battery of field artillery of four guns there shall be one captain, two first lieutenants, one second lieutenant, and an enlisted strength of not more than eighty-five; and the minimum of enlisted men shall be fifty-seven. To each battery

Officers,
infantry,
cavalry and
artillery.

of field artillery of more than four guns there shall be for each additional gun an enlisted strength of not more than nineteen nor less than twelve; and for each additional two guns there shall be one additional second lieutenant. To each unattached troop of cavalry or battery of field artillery there shall be a staff consisting of one assistant surgeon with the rank of first lieutenant. To each company of infantry, coast artillery, troop of cavalry and battery of field artillery there shall be such non-commissioned officers, musicians, artificers and cooks as the commander-in-chief shall prescribe in accordance with the provisions of section thirty-four.

Cadets,
officers, equip-
ment, etc.

SECTION 30. To each corps of cadets there shall be one lieutenant colonel, one major, and a staff consisting of one surgeon with the rank of major, one adjutant, one quartermaster, one commissary of subsistence, one paymaster who shall be mustering officer, one inspector of small arms practice, and one assistant surgeon, each with the rank of first lieutenant, and one chaplain; and there shall be such number of line officers, not exceeding four captains, four first lieutenants and four second lieutenants, and of non-commissioned staff officers and non-commissioned officers, musicians and privates, as the commander-in-chief shall deem expedient. The corps of cadets shall be instructed, armed and equipped as the commander-in-chief shall direct, and shall receive the same compensation and allowances as separate battalions of infantry; they shall remain unattached, subject only to the orders of the commander-in-chief, except as provided in section one hundred and twenty-five.

Naval brigade.

SECTION 31. The naval brigade shall consist of two battalions of four companies each. The commander-in-chief may authorize the formation of not more than four additional companies, either as separate companies, or in either or both of the battalions thereof, or as a separate battalion, and may order the election of such additional officers as may be thereby rendered necessary. He may at any time disband any of said companies, the services of which are not required. The officers of the naval brigade shall be one captain, who shall be chief of brigade, with rank and pay corresponding to those of a colonel of infantry; two lieutenant commanders, who shall be chiefs of battalion, with rank and pay corresponding to those of a major of infantry; a staff, consisting of

a surgeon, a brigade adjutant, an ordnance officer, an Naval brigade. equipment officer, a paymaster, who shall be the mustering officer for the brigade, an engineer, an assistant engineer, a signal officer and an assistant surgeon. The commander-in-chief may appoint and commission an assistant paymaster and two additional assistant surgeons. The surgeon shall be a lieutenant commander, with rank and pay corresponding to those of a major of infantry. The other staff officers, except the signal officer and assistant engineer, shall have the rank of lieutenants, with rank and pay corresponding to those of captains of infantry. The signal officer and assistant engineer shall have the rank of lieutenant, junior grade, with rank and pay corresponding to those of first lieutenants of infantry. The following petty officers shall also be attached to the brigade staff: one master at arms, who shall be the chief petty officer of the brigade, and who shall have rank and pay corresponding to those of a sergeant major of infantry; one equipment yeoman, two paymaster's yeomen, one apothecary, one chief bugler and one drum major, all with rank and pay corresponding to those of the non-commissioned staff of infantry. An engineer's force shall also be attached to headquarters of the naval brigade consisting of four machinists, with rank and pay corresponding to those of the non-commissioned staff of infantry, three water tenders and three oilers, with rank and pay corresponding to those of sergeants and corporals of infantry, respectively, and fifteen firemen, rating as privates of infantry. The men in the engineer's force shall fulfil the requirements for enlistment in the volunteer militia, and shall be mechanics, steam engineers or firemen of such experience as shall fit them for their several ratings. A signal corps shall be attached to headquarters of the naval brigade, consisting of one chief quartermaster, with rank and pay corresponding to those of the non-commissioned staff of infantry, two quartermasters, with rank and pay corresponding to those of sergeants of infantry, and eight enlisted men; also a torpedo division, consisting of one chief gunner's mate, with rank and pay corresponding to those of the non-commissioned staff of infantry, two gunner's mates, with rank and pay corresponding to those of sergeants of infantry, and ten seamen. The brigade commander shall be the recruiting officer for all the above forces; and they shall be uniformed

Naval brigade. and equipped as the commander-in-chief may direct. To each company of the naval brigade there shall be one lieutenant, who shall be chief of company, one lieutenant, junior grade, and one ensign, with rank and pay corresponding to those of captains and first and second lieutenants of infantry, respectively, one chief boatswain's mate, two boatswain's mates, two gunner's mates, two quartermasters, two coxswains, one cook, first class, one bugler, one bayman and forty-four seamen; and the minimum number of enlisted men shall be forty-one. The chief boatswain's mate shall rank with a first sergeant, boatswain's mates and gunner's mates with sergeants, coxswains and quartermasters with corporals of infantry with corresponding pay. The seamen and bayman shall receive the same pay as enlisted men in companies of infantry. The duty of the naval brigade may be performed afloat.

Signal corps. SECTION 32. The signal corps shall consist of one captain, two first lieutenants, to be appointed by the commander-in-chief, and an enlisted strength of fifty-four, to include such non-commissioned officers, musicians, artificers and cooks as the commander-in-chief shall prescribe in accordance with the provisions of section thirty-four. The commissioned officers and twenty enlisted men shall be mounted and shall receive pay and allowances accordingly. The signal corps shall be supplied with such equipment, including wagons and draft horses, as the commander-in-chief shall direct.

Hospital corps. SECTION 33. The hospital corps shall contain one ambulance company, which shall consist of one captain, who shall be a medical officer, and two first lieutenants, one of whom shall be a medical officer, and an enlisted strength of seventy-seven men, to include such non-commissioned officers, musicians, artificers and cooks as the commander-in-chief shall prescribe, in accordance with the provisions of section thirty-four. The commissioned officers shall be appointed by the commander-in-chief, and shall receive the same pay and emoluments as the corresponding officers of cavalry. The hospital corps shall be stationed and instructed as the commander-in-chief may direct.

The commander-in-chief may prescribe numbers, duties, etc., of non commis- SECTION 34. The commander-in-chief may from time to time by order, prescribe the numbers, titles and duties of non-commissioned staff officers, non-commissioned officers, musicians, artificers and cooks in the militia to con-

form to the custom in the regular army and navy of the United States, as the interest of the service may in his opinion from time to time demand. Commissioned officers, etc.

SECTION 35. The commander of a regiment, battalion of light artillery, squadron of cavalry, corps of cadets, the naval brigade, or unattached company, may employ or raise by enlistment a band of musicians, not exceeding twenty-four in number, to be under his command. Such musicians while on duty shall be subject to all the laws and regulations for the government of the militia, except that they need not be mustered in. Musicians.

SECTION 36. The commander-in-chief may disband any company of the volunteer militia falling below the proper standard of efficiency. Disbandment.

Election and Appointment of Commissioned Officers.

SECTION 37. No person shall be eligible to election or appointment to commissioned office in the militia who is not a male citizen of the United States, of eighteen years of age or upward, resident in this Commonwealth, or who is disqualified by law from enrolment in the militia, or who is under sentence of disability to hold office or command, or of suspension from command in the military forces of the United States or of any state. No citizen not enrolled or above the age of forty-five years shall, on that account, be ineligible to office in the militia, nor incapable of serving in a volunteer company. Eligibility to election or appointment.

SECTION 38. Commissioned officers shall rank according to the date of their commissions. Between officers of the same grade and date of appointment or commission, where there has been no previous military service, the relative rank shall be determined by lot. Such previous service shall count, as in the army or navy of the United States, and in the volunteer militia or reserve militia of this Commonwealth only, and in the order herein named. Rank of commissioned officers.

The day of the appointment or election of an officer shall be expressed in his commission and shall be considered as the date thereof. When an officer is appointed, elected or transferred from one office or organization to another, without loss of grade or continuous service, he shall rank in his grade according to the date of his original commission, which shall be stated in his new commission. The provisions of this section shall not apply Day of appointment or election to be expressed in commission, etc.

when a commissioned officer is transferred by election or appointment from the staff to the line.

Appointment
of staff officers.

SECTION 39. The staff of the commander-in-chief shall be appointed by him; the staff of a brigade, by the brigadier general commanding; the staff of a regiment of infantry, battalion of artillery, squadron of cavalry, corps of cadets, the naval brigade, or unattached company, by the permanent commander thereof; and they shall be commissioned by the commander-in-chief on the request of the appointing officers.

Eligibility to
appointment
as medical or
veterinary
officer.

SECTION 40. No person shall be eligible to appointment as a medical or veterinary commissioned officer unless he has graduated from a medical or veterinary school or college approved by the surgeon general, and has complied with the laws of the Commonwealth relative to the practice of his profession; and no person shall be eligible to appointment as apothecary or hospital corps sergeant of the first class unless he has the qualifications herein prescribed for a medical officer, or has been duly registered as a pharmacist.

Certain officers
to be elected
by ballot.

SECTION 41. The following officers of the militia shall be elected by ballot: brigadier generals, by the field officers of the respective brigades; field officers of regiments, battalion of field artillery, squadron of cavalry and of corps of cadets, by the captains and lieutenants of the several companies of the respective regiments, separate battalion, squadron, or corps; captain and lieutenant commanders of the naval brigade, by the company officers of the brigade; lieutenants, lieutenants junior grade and ensigns of companies, by the enlisted men of the respective companies; captains and lieutenants of companies, by the written votes of the enlisted men of the respective companies, except that in the corps of cadets, captains and lieutenants shall be elected by the written votes of the enlisted men of the respective corps.

Orders for
elections.

SECTION 42. Elections of brigadier generals shall be ordered by the commander-in-chief. Elections of other officers shall be ordered either by the commander-in-chief or by such officers as he may authorize.

No election of
company
officers until
minimum
number is
enlisted.
Vacancies.

SECTION 43. Elections of officers shall not be ordered in any company unless the minimum number of men are actually enlisted and mustered in.

SECTION 44. Vacancies in the grades of company officers shall be filled and the officers-elect commissioned be-

fore an election of field officers is held for the respective organizations; and every vacancy in the grade of field officer shall be filled in each brigade before an election of brigadier generals is held therein.

SECTION 45. Elections shall be held at the places most convenient for the majority of the electors. Elections to be held at convenient places.

SECTION 46. Notices for elections shall be given to each elector at least four days before the time of the meeting, either verbally or by delivering to him in person, or by leaving at his usual place of business or abode, the order for such election. Notices for elections.

SECTION 47. Officers ordering elections may preside, or may detail some officer of suitable rank to preside; an officer of the rank of captain may preside at the election of an officer of equal or inferior grade; but no candidate for an office to be filled shall preside at the election, except to adjourn the meeting if no proper officer appears to preside. Presiding officers at elections.

SECTION 48. The presiding officer shall keep a record of the proceedings and shall, within six days thereafter, make a certified return thereof to the adjutant general, through the proper military channel, for the information of the commander-in-chief; and the officer-elect shall, if he is eligible and accepts, thereupon be commissioned and notified to appear before the proper examining board or boards. Election record, return and notification.

SECTION 49. A certified roster of the brigade, regiment, battalion, squadron, corps of cadets, or naval brigade, or a certified roll of the company or companies, as the case may be, shall be furnished to the presiding officer previous to an election. Presiding officer to be furnished with roster, etc.

SECTION 50. No election shall be held unless a majority of the electors are present. If there is no quorum or the electors present fail to elect and the meeting is adjourned, the presiding officer shall, in writing, report the facts to the adjutant general. Elections may not be adjourned more than twice, and each adjournment shall be for a period not exceeding two days. Majority of electors to be present.
Failure to elect.
Adjournment.

SECTION 51. The person who has a majority of the ballots of the electors present shall be deemed elected, and the presiding officer shall forthwith notify him of his election. Majority to elect.

SECTION 52. Persons elected to office in the militia shall within three days declare in writing or in person Persons elected to accept or

decline within
three days.

to the officer presiding at their election their acceptance or declination, which shall be a part of the return of the presiding officer.

In case of
refusal to
accept, another
election to be
held.

SECTION 53. If the person chosen signifies to the presiding officer, either in person or in writing, his refusal to accept, before the dissolution of the meeting, the refusal shall be recorded and included in the return, and the electors shall proceed to another election.

Acceptance to
vacate
previous
office.

SECTION 54. The acceptance of one office in the militia shall for the purpose of election vacate another office previously held, by the same person therein; but the officer shall serve until his successor is qualified, if so ordered by his regimental, battalion, or squadron commander or by the commander-in-chief.

Governor to
fill vacancy in
certain cases.

SECTION 55. When the electors neglect or refuse to fill a vacancy the governor with the advice of the council shall, except as provided in the following section, appoint a suitable person thereto.

Company
without officers
refusing to
elect may be
disbanded.

SECTION 56. If a company having no commissioned officers has twice been ordered to elect officers and neglects or refuses to elect one of such officers, it may be disbanded by the commander-in-chief.

Examining Boards.

Physical
examination
of officers.

SECTION 57. Commissioned officers, except the staff officers of the commander-in-chief, medical officers and chaplains shall, upon being notified as provided in section forty-eight, appear before a board of three medical officers, which shall examine the officers who appear before it as to their physical fitness to perform their duties. Such officers as said board finds to be physically competent, and so certifies, shall thereafter appear before an examining board, consisting of not less than five nor more than seven officers designated by the commander-in-chief. Members of said board shall not take part in the examination of or give any opinion, information or advice as to the fitness or competence of any officer who has any business or family connection with them or might, as a result of the examination, come under their immediate command. The commander-in-chief may, if he thinks it necessary, make a temporary detail to fill a vacancy in said board caused by temporary ineligibility or absence.

Examining
board.

Vacancy.

SECTION 58. A complete record shall be kept by the secretary of the board, elected by the board from its members, of all meetings of the board. Such record shall embrace a statement at length of the proceedings, including the names of the members present, the name of any officer temporarily assigned for duty upon the board, the name of any officer who is absent and the cause of his absence, the name of every officer examined and the questions put to him, with his answers, and copies of all communications from and the originals of all communications to the board, with the findings and action of the board in each case and the reasons therefor. Such record shall be submitted to the board at its next meeting thereafter for approval or correction.

Record to be kept, etc.

SECTION 59. After receiving from the board of medical officers a certificate of physical competency, in the case of each officer who appears before it, the examining board shall examine all such officers as to their military, moral, and general qualifications as hereinafter set forth, and shall administer the oaths prescribed in section sixty-nine. If in the opinion of the board the officer is competent it shall so certify to the commander-in-chief, who shall issue his order announcing the result of such examination. If the officer fails to pass a satisfactory examination the board shall so notify him and he may, within ten days from the time when he receives such notice, appeal for a reëxamination to the commander-in-chief, who may, after an examination of the record of the case, order a reëxamination of such officer before said board or before a board convoked by him for the purpose.

Examination, appeal, etc.

SECTION 60. Medical officers shall appear before an examining board, consisting of three medical officers designated by the commander-in-chief, which shall certify the competency of such officer, or give its reasons for refusing so to certify, and in case of a refusal it shall transmit the complete record, with its reasons for such refusal to the commander-in-chief. It shall administer the oaths prescribed for other commissioned officers.

Board of medical officers.

SECTION 61. An officer who fails to appear before a board of examiners within forty days after notice of the date of his election or appointment, and who does not furnish satisfactory explanation of his absence, or who fails to pass a satisfactory examination before the board

Discharges, reenlistment, ineligibility.

authorized to examine or reëxamine him shall forthwith be discharged by the commander-in-chief; but such officer may enlist to secure continuous service and his enlistment shall date from the day of his election to the office for which he failed to pass a satisfactory examination, if he so enlists within thirty days after the date of his discharge from the office to which he was elected. A commissioned officer who has been discharged by reason of failure to pass a satisfactory examination shall not be eligible for election or appointment to a commission within two months after such discharge.

Officer resigning may enlist to secure continuous service.

SECTION 62. An officer resigning his commission may enlist to secure continuous service and his enlistment shall date from the day of his resignation, if he is mustered within thirty days thereafter.

Examinations for certain staff positions.

SECTION 63. Examinations for staff positions, except for members of the staff of the commander-in-chief and medical officers, shall be limited to officers who have served in the regular or volunteer naval or military forces of the United States or in the militia or naval reserve of some state thereof, and may be of such general character as to experience and moral and military qualifications as the board may in each case determine. A staff officer shall, at his request or if the board so orders, be examined in the manner provided for other officers.

Examination of other officers.

SECTION 64. Other officers shall be examined by written questions prepared in advance, equal in number and as nearly as possible equal in difficulty for officers of the same grade, the answers to which shall be in writing; but such questions may be greater in number and difficulty for officers of higher grades. A number of sets of such questions for the several grades shall be prepared in advance, under the direction of the board, for examination of officers of the several grades. No special set of questions shall be used in the examination of any officer. All questions propounded in examinations as to the technical military qualifications of an officer shall be based on military text books of recognized authority to be selected from time to time by the examining board. The titles of all books so selected and the number required shall be furnished to the quartermaster general by said board and the specific parts thereof adopted as the basis of examination shall be promulgated to the volunteer militia by the commander-in-chief in such manner as to indicate the exact

scope or standard required of candidates in each respective grade or staff position, and the quartermaster general shall furnish upon requisition, to officers accountable for public property, copies of such books for the use of such officers and of those belonging to their commands. At such written examinations every officer shall also make, upon a prepared form, answers showing his military service and experience and his residence and occupation. Any other questions which the board or any member thereof may desire to ask shall be fully written out and the answers thereto shall be in writing. The board may make other inquiry relative to the officer ordered before it for examination, but such inquiry and the answer thereto shall in all cases be in writing, and all communications from and to the board shall be a part of the record and shall be preserved upon its files. Neither the board nor any member thereof shall make any inquiry or receive any communication, oral or written, relative to an officer before it, or who is to come before it, as to any matter affecting his qualifications as an officer in the militia except as above authorized.

Examination
of other
officers.

SECTION 65. The secretary of the board shall preserve all examinations, reports and papers, and the findings of the board in the case of each officer; and the same shall upon the demand of the commander-in-chief be laid before him.

Preservation
of records,
etc.

SECTION 66. The provisions of the nine preceding sections shall, so far as they are applicable, apply also to any special board convoked by order of the commander-in-chief for examination of officers.

Special boards.

SECTION 67. An officer who has passed his examination and been assigned to duty shall not thereafter be ordered before the board of examiners while acting under the same commission; but said board may pass a candidate conditionally and order him to appear for further examination within ninety days after the date of his first examination, and an officer so conditionally passed who fails to appear before the board within the time designated, and does not furnish satisfactory explanation of his absence, or who then fails to pass a satisfactory examination, shall be discharged by the commander-in-chief.

Candidates
may be passed
conditionally,
etc.

SECTION 68. An officer who in the opinion of his commanding officer is incompetent, or is impairing the efficiency of the organization to which he is attached, by

Incompe-
tency, etc.,
how investi-
gated.

Incompetency, etc., how investigated.

mismanagement, neglect, or misconduct in civil life for which he is not amenable to court-martial, may, upon the request of his commanding officer, be ordered to appear before a special board of examiners consisting of not less than three nor more than seven officers, none of whom shall be of lower rank than the officer under investigation. The members of such board may, for cause, be challenged by the accused as provided by the regulations as to courts-martial, and vacancies thus created shall be filled in the manner prescribed for military boards. Said board shall without delay inquire into the charges preferred against the accused, and may examine him, as provided in section fifty-nine as to his mental and military qualifications; but all questions of fact shall be investigated in accordance with the practice of courts-martial, and the accused may produce any competent evidence by witnesses or otherwise, and may be represented by counsel. The president of such board may administer oaths to witnesses, and issue summonses as provided in section one hundred and sixty-nine; and officers or soldiers failing to serve such summons or failing to appear when so summoned without a sufficient excuse, shall be liable to trial by court-martial as for disobedience of orders, or may, as well as other witnesses failing to appear, be compelled to appear, as provided by section ten of chapter one hundred and seventy-five of the Revised Laws. Such board may, with the approval of the commander-in-chief, require a judge advocate to attend its sittings, when taking testimony or investigating any complaint. It shall report the facts, with the evidence and its recommendations, to the commander-in-chief, who may, if the board so recommends, discharge such officer. An officer failing to appear, as ordered, before such special board shall be discharged by the commander-in-chief.

Judge advocate to attend sittings of board of examiners in certain cases, etc.

Oaths of office.

SECTION 69. Every commissioned officer, before entering upon the performance of his official duties or exercising any command, shall take and subscribe the following oaths and declarations: —

I, A. B., do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me God.

I, A. B., do solemnly swear that I will obey the lawful orders of all my superior officers. So help me God.

I, A. B., do solemnly swear that I will faithfully and impartially

discharge and perform all the duties incumbent on me as _____, according to the best of my ability and understanding, agreeably to the rules and regulations of the constitution and the laws of the Commonwealth. So help me God.

I, A. B., do solemnly swear that I will support the constitution of the United States. So help me God.

All officers shall take and subscribe such oaths before the examining boards, except the staff officers of the commander-in-chief, who may take such oaths before any competent authority; and the following certificate shall be printed on every commission and shall be signed by the person before whom such officer is qualified:—

Qualifying officers.

This may certify that A. B., commissioned as within, on this _____ day of _____, A. D., _____, personally appeared _____ and took and subscribed the oaths required by the constitution and laws of this Commonwealth and a law of the United States, to qualify him to discharge the duties of his office.

Certificate of qualification.

Before me,

Appointment and Reduction of Non-commissioned Officers.

SECTION 70. Non-commissioned officers, if any, attached to the headquarters of brigades, non-commissioned staff officers of regiments, battalion of field artillery, squadron of cavalry, the naval brigade, corps of cadets, signal corps, hospital corps and unattached companies, shall be appointed by their respective permanent commanders. Such commanders shall appoint the non-commissioned officers of companies, except first sergeants, upon the written nomination of the respective captains; but they may withhold such appointment if in their judgment there be proper cause. Non-commissioned officers of unattached companies shall be appointed by their respective captains. Color sergeants, chief buglers and drummers of infantry and coast artillery and orderlies shall be appointed by regimental commanders. First sergeants shall be appointed by the permanent company, battery, troop or corps commanders, without reference to higher authority, from the duty sergeants of their respective organizations, and, by said commanders, respectively, may be returned to the grade of duty sergeant at any time. First sergeants shall be appointed and returned to the grade of duty sergeant by a company order, a copy of which shall be forwarded at once to the adjutant general, and to regimental, separate battalion, squadron and corps

Non-commissioned officers, appointment.

Chief cooks to
be examined.

headquarters; and the relative seniority of first sergeants shall be determined by the dates of the orders appointing them. Chief cooks shall, before receiving their warrants, be examined as to their qualifications for the position, in such manner as the commander-in-chief shall direct.

Reduction to
the ranks.

SECTION 71. The permanent commander of any regiment, battalion of field artillery or squadron of cavalry, the naval brigade, corps of cadets, signal corps, hospital corps or an unattached company may reduce to the ranks any company non-commissioned officer of his command. Permanent commanders of regiments, battalion of field artillery, squadron of cavalry, the naval brigade and of cadet corps may reduce to the ranks non-commissioned staff officers of their corps. Company non-commissioned officers may be reduced to the ranks by sentence of courts-martial. Company non-commissioned officers, having been appointed and assigned to duty, shall not thereafter be reduced to the ranks except at their own request, or for cause clearly set forth in the order reducing them.

Enlistment and Muster-in of Soldiers.

Enlistment
and muster-in
of soldiers.

SECTION 72. Every person enlisting in the volunteer militia shall be mustered into the service of the Commonwealth for a term of three years; but a soldier who has received an honorable discharge from the Massachusetts volunteer militia, at the expiration of his term of service, may reënlist and be mustered in for a term of one, two or three years at his election. Terms of service, except in cases of reënlistment, shall begin at noon on the day of enlistment, if the enlisted man is mustered in within thirty days thereafter. When a soldier reënlists, and is mustered into service within thirty days after the expiration of his previous term, his term of service shall be considered as continuous and shall begin at noon of the day of such expiration, and enlistments and musters shall so be dated.

Enlistment,
etc., as
privates.
Recruiting
officers.

SECTION 73. All soldiers, except non-commissioned staff officers, shall be enlisted and mustered in as privates.

SECTION 74. The commanding officers of brigades, regiments, separate battalion, or squadron and the naval brigade shall be the recruiting officers for their respective non-commissioned staffs and enlisted men attached to the headquarters of their commands, the commanding officers

of corps of cadets, signal corps and hospital corps shall be recruiting officers for their respective corps, and persons appointed by the commander-in-chief, for new companies, shall act as recruiting officers thereof until a captain shall have been elected or appointed to such company. Company commanders shall be the recruiting officers for their commands. Upon a vacancy the commanding officer of regiments, separate battalion and squadron may order some officer to perform the duty until such vacancy is filled. Recruiting officers may enroll applicants for enlistment above the maximum allowed by law, not exceeding fifteen in number in each company, and such applicants may be instructed and drilled as recruits, and in the discretion of the recruiting officer may be preferred for enlistment as vacancies may occur.

Vacancy.

Additional recruits, enrollment, etc.

SECTION 75. The officers named in the preceding section as recruiting officers shall be mustering officers for mustering in and administering the prescribed oath of enlistment to all soldiers enlisted by them. Mustering officers shall forward to the commander-in-chief, through the proper military channels, the returns of the enlistment and muster-in of soldiers as soon as practicable, and not later than ten days thereafter. Such returns shall be in such form, and accompanied by such certificates, descriptive lists and other information relating to the recruit, as may be required by law or prescribed in orders by the commander-in-chief. But no recruit shall be knowingly and intentionally accepted who is not eligible for enlistment under the law, or who is physically or otherwise below the standard prescribed by the commander-in-chief. No recruit having been accepted shall be mustered into the service until all the requirements of the statute law, of the militia regulations, and of all proper orders relating to the enlistment and muster-in of soldiers have been complied with.

Mustering officers.

SECTION 76. Recruits shall sign an enlistment roll, in form as follows: —

Form of enlistment roll.

I, whose signature is hereunto affixed, do hereby enlist, [or enlist, as the case may be] in [company, battalion or regiment or corps, etc.] of the Massachusetts volunteer militia for the term set against my name, subject to all laws and regulations which may govern the same; and I do declare that I know of no impediment to my serving honestly and faithfully as a soldier for the term of my enlistment.

Oath to be administered by mustering officer.

SECTION 77. As soon as practicable, within thirty days after such enlistment, the recruit shall be mustered in by a mustering officer, before whom he shall make oath as follows:—

I, _____, do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof; and I do also solemnly swear that I will faithfully observe and obey all laws and regulations for the government of the volunteer militia of said Commonwealth, and the orders of all officers elected or appointed over me. I do also solemnly swear that I will support the constitution of the United States. So help me God.

Sworn to before me,

Mustering Officer.

Muster of soldier re-enlisting out of the Commonwealth, etc.

No enlisted man shall be held to duty in the volunteer militia or receive any compensation or allowance until he is mustered in. If a soldier reënlisting is absent from the Commonwealth, or is at such a distance from his command that he cannot be mustered in by the mustering officer of his regiment, separate battalion, squadron, naval brigade or corps, he may, with the approval of his proper commanding officer, to secure continuous service, take the oath of muster before a notary public, United States commissioner, or if he is abroad, before a United States consul.

Muster-in of unit persons forbidden.

SECTION 78. The commanding officer of any regiment or battalion of field artillery or squadron of cavalry, the naval brigade and corps of cadets may forbid the mustering in of any person enlisted when in his judgment such person is unfit to be a member of the volunteer militia.

No reënlistment during term of service.

SECTION 79. No soldier whose term of service in one organization has not expired shall enlist in another organization of the volunteer militia.

Service medals.

SECTION 80. Any officer or enlisted man who completes nine years' honorable service, continuous or otherwise, shall be allowed a medal, and for each additional five years' like service a bar or clasp.

Discharge and Retirement of Commissioned Officers.

Discharge of commissioned officers.

SECTION 81. An officer may be discharged by order of the commander-in-chief, upon an address of both branches of the general court or to carry out the lawful sentence of a court-martial.

SECTION 82. An officer may be honorably discharged by the commander-in-chief upon removal of residence from the Commonwealth; upon tender of resignation; upon the disbandment of the organization to which he belongs; or, if a staff officer, upon the written request of the officer appointing him; or upon the qualification of his appointed successor; or when he accepts an appointment in the army or navy of the United States.

Honorable discharges.

SECTION 83. Brigadier generals of the line at the expiration of their term of office shall be placed on the retired list if they so request.

Retirement of commissioned officers.

Any commissioned officer in the militia service who has served as such in the active militia of this Commonwealth for the continuous period of ten years may, upon his own application, be placed upon the retired list, with the rank held by him at the time of making such application; but an officer who, at the time of making such application, has remained in the same grade for the continuous period of ten years, or has served as a commissioned officer for the continuous period of fifteen years, or, having served in the army or navy of the United States in time of war and having been honorably discharged therefrom, has also served as a commissioned officer in the militia of this Commonwealth for the continuous period of five years, shall be retired with rank next in grade above that held by him at the time of making such application.

The commander-in-chief may retire any commissioned officer who shall have been ordered by him before a medical board consisting of at least three commissioned medical officers, if such board report him to be physically unable to perform the duties of his office.

The names and records of all retired officers shall annually be printed in a separate register in order of their retired rank, to be appended to the report of the adjutant general.

Names and records of retired officers to be printed.

SECTION 84. Retired officers on occasions of ceremony may, and when acting under orders as hereinafter provided shall, wear the uniform of their retired rank. They shall be eligible to perform any military duty to the same extent as if not retired, and the commander-in-chief may, in his discretion, require them to serve upon military boards, courts of inquiry and courts-martial, or to perform any other special or temporary military duty, and

Duties and privileges of retired officers.

for such service they shall receive the pay and allowances provided for like service by officers of the active militia. They shall be amenable to court-martial for military offences, as if upon the active list of the volunteer militia. Their names shall be borne on a separate roster, kept under the supervision of the adjutant general. They shall report to the adjutant general any change in their residence.

Dismissal of officers.

SECTION 85. The commander-in-chief may dismiss an officer who has been convicted of crime, or who has been dishonorably discharged or dismissed from the service of the United States, or from the militia of this or any other state; or he may dismiss an officer in order to carry out the sentence of a court-martial.

Certificate of discharge.

SECTION 86. Officers discharged from the service of the Commonwealth shall be entitled to a certificate of discharge, in such form as the commander-in-chief shall direct.

Discharge of Enlisted Men.

Discharge of enlisted men.

SECTION 87. No enlisted man shall be discharged before the expiration of his term of service, except by order of the commander-in-chief, and for the following reasons: upon acceptance of promotion by commission; upon removal of residence from the Commonwealth, or so far from the bounds of the command to which he belongs that he cannot, in the opinion of his commanding officer, properly perform his military duty; upon disability, established by certificate of a medical officer; upon conviction of a felony; when in the opinion of the commander-in-chief the interests of the service require his discharge; to carry out the sentence of a court-martial; or upon application of his company commander, approved by superior commanders: *provided, however*, that whenever the commanding officer of a company shall apply to his superior commander for the discharge of an enlisted man under the last provision of this section, he shall at once notify the enlisted man of such application; and should the enlisted man, within seven days after such notification by his company commander, apply to the commanding officer of his organization for a hearing upon the application for his discharge, he shall be given a hearing.

Proviso.

Dishonorable discharge.

SECTION 88. A dishonorable discharge, or a discharge in such form as to forbid reenlistment, shall be given only upon a sentence of a court-martial.

SECTION 89. A discharged soldier shall be furnished with a certificate of discharge, setting forth his rank, and stating clearly the reason for his discharge.

Certificate to state reason of discharge.

Arms, Uniforms and Equipments.

SECTION 90. Commissioned officers shall provide themselves with uniforms, arms and equipments prescribed by the commander-in-chief, which shall be free from attachment, distress, execution or sale for debt or payment of taxes. The uniform or insignia of rank prescribed for the officers of the volunteer militia shall be worn only by persons entitled thereto by commission under the laws of this Commonwealth or of the United States or of another state of the United States; but an honorably discharged officer may upon public occasions wear the uniform and insignia of rank to which his commission entitled him while in service. A person violating any provision of this section shall be punished by a fine of one thousand dollars, on complaint of any officer of the militia.

Commissioned officers to provide their uniforms, etc.

Penalty for unauthorized wearing of uniform.

SECTION 91. Except as provided in the preceding section, organizations of the volunteer militia shall be provided, at the expense of the Commonwealth, with the uniforms, arms, equipments, colors, musical instruments, books of instruction and of record, supplies and camp and garrison equipage necessary for their proper training and instruction and the performance of military duty. Such property shall be issued, by the quartermaster general, upon requisition, to the commanders of brigades, regiments, separate battalion, squadron, corps of cadets, companies, signal and hospital corps, or detachments; but in time of peace no uniforms, arms, equipments or supplies shall be issued to or for the use of any company which has not the minimum number of enlisted men.

Volunteer militia to be provided with uniforms, arms, etc., by the Commonwealth.

SECTION 92. The uniform of the volunteer militia shall conform as nearly as practicable to that of the regular army of the United States, shall be substantially alike for each arm of the service, and the style shall be prescribed by the commander-in-chief. No uniforms, except required yearly supplies, shall be provided by the Commonwealth without a special appropriation for that purpose, and they shall be purchased under such inspection as the commander-in-chief may direct.

Uniform of volunteer militia.

SECTION 93. The uniforms, arms, equipments and other property so provided shall remain the property of

State uniforms, arms, etc., to

be used for military purposes only.

the Commonwealth, shall be used only for military purposes; and shall be returned when ordered by the quartermaster general.

Return of public property to be made.

SECTION 94. An officer shall, on the first day of July and December in each year, make a full return of the public property for military use for which he is accountable, in such form as may be prescribed, and shall within fifteen days forward it to the quartermaster general.

Military property to be kept in armories, etc.

SECTION 95. All arms, equipments and military property furnished to the several commands shall be deposited in the armories or command headquarters.

Military property to be returned after use.

SECTION 96. Every officer, non-commissioned officer and soldier shall immediately after use return thereto all military property of the Commonwealth issued to him for military service, and the possession by him when not on duty, or without permission, of any such property elsewhere than in the armory or command headquarters, shall be prima facie evidence of embezzlement.

Soldier to wear uniform only on duty, etc.

SECTION 97. No soldier shall wear or use, except upon military duty or by special permission of his company commander or other competent authority, any uniform or other article of military property belonging to the Commonwealth.

Responsibility for care and return of military property.

SECTION 98. An officer, non-commissioned officer or soldier shall be responsible for the care, safe keeping and return of a uniform or other military property delivered to him; he shall use the same for military purposes only, and upon receiving a discharge or otherwise leaving the military service, or upon the demand of his commanding officer, shall forthwith deliver said uniform, and all other military property in his possession, to said commanding officer, in good order and condition, reasonable use and ordinary wear thereof excepted.

Penalty for injury to military property.

SECTION 99. A soldier who wilfully or maliciously destroys, injures or defaces any military property belonging to or in the care of the Commonwealth, or retains it in violation of any provision of the two preceding sections, shall, on complaint of the officer responsible for such property, be punished by a fine of not more than forty dollars, to be paid into the treasury of the Commonwealth.

Officers liable to court-martial for damage to military property, etc.

SECTION 100. Commissioned officers shall exercise the strictest care and vigilance for the preservation of the uniforms, arms, equipments and military property fur-

nished to their several commands; and in case of any loss thereof or damage thereto, by their neglect or default, they shall be liable to punishment by sentence of court-martial for neglect of duty.

SECTION 101. An officer shall be accountable for public property received by him for military use; and shall not sell, loan or transfer the same, or any part thereof, without the authority of the commander-in-chief; and shall be liable to the Commonwealth for all property defaced, injured, destroyed or lost by his neglect or default, or for its value, to be recovered in an action of tort brought by the judge advocate general in the name of the Commonwealth.

Officers to be accountable for military property, etc.

SECTION 102. An officer of the volunteer militia upon vacating an office, shall turn over to his immediate successor or other officer designated by the commander-in-chief all records, reports and military property in his possession belonging or in any way pertaining to such office.

Officer to turn over property and records to successor, etc.

SECTION 103. Upon the disbandment of any organization which has received property for military use from the quartermaster general, the commissioned officers thereof shall be responsible for the safe return to him of all such property in its possession; and the officer receipting for such property shall be liable for any loss or damage thereto as provided in section one hundred and one.

Liability of officers upon disbandment.

SECTION 104. Until an officer or his legal representative receives from the adjutant general notice that the property accounts of such officer have been found correct, the liability of such officer or of his estate for public property for which he is or may have been responsible shall not be affected by his resignation, discharge, change in official position or death. Upon the death or desertion of an officer responsible for public property his immediate commander shall at once cause such property to be collected, and a correct inventory made by actual count and examination and forwarded to the adjutant general; and compensation for any deficiency may be recovered as provided in section one hundred and one.

Liability to continue until notified that accounts are correct, etc.

SECTION 105. Any organization of the militia may, with the approval of a majority of its commissioned officers and of the commander-in-chief, adopt at its own expense any other uniform than that prescribed in section ninety-two; but such uniform shall not be worn,

Adoption of other than prescribed uniform, etc.

except by permission of the commander-in-chief, when such organization is on duty under his orders.

Personal property of volunteer organizations.

SECTION 106. Volunteer organizations may own personal property, which shall be under the control of the active members thereof; and the commanding officer of any organization may recover in his own name for its use in any county where such organization or part thereof is located, any debts or effects belonging to it, or damages for injury to such property. No suit or complaint pending in his name shall be abated by his ceasing to be commanding officer of the organization; but his successor shall be admitted to prosecute the suit or complaint.

Inspection and condemnation of military property, etc.

SECTION 107. The inspector general with two officers designated by the commander-in-chief shall constitute a board to inspect and condemn public military property unfit for use; and no property shall be sold until it has so been inspected and condemned, and such condemnation approved by the commander-in-chief. The proceeds of all sales thereof shall be paid into the treasury of the Commonwealth.

Legislative committee to examine arsenal, camp ground, etc., annually.

SECTION 108. The committee on military affairs of the general court shall annually visit the arsenal, state camp ground and storehouses and shall thoroughly examine the same, and the condition of the arms and munitions of war and other property of the Commonwealth or general government deposited therein, and shall make report thereof to the general court.

Camp equipment may be loaned to grand army of the republic, etc.

SECTION 109. The quartermaster general, under the direction of the commander-in-chief, may, without expense to the Commonwealth, lend military camp equipment to any state encampment of posts of the grand army of the republic, and may permit it to occupy the state camp ground at Framingham and its appurtenances for a state encampment, when this can be done without interfering with its use by the militia. A bond, with sufficient sureties in double its value, shall be given for the return of such camp equipment without loss or damage.

Armories.

Cities and towns to provide armories, headquarters, etc.

SECTION 110. The mayor and aldermen and selectmen shall provide for each regiment, battalion, corps of cadets, or portion of the volunteer militia, within the limits of their respective cities and towns, a suitable

armory for the purpose of drill and for the safe keeping of the arms, equipments, uniforms and other military property, suitable places for parade, drill and target practice; and a suitable room for the headquarters located within their limits of each brigade, regiment, naval brigade, separate battalion, squadron, signal corps, hospital corps, or corps of cadets, for the keeping of books, the transaction of business and the instruction of officers, with necessary fuel and lights, or a reasonable allowance therefor, for every such armory or headquarters. Any city or town failing to comply with this section shall forfeit to the use of the Commonwealth not more than five thousand dollars.

Fuel and
lights.

Penalty.

SECTION 111. The governor, with the advice and consent of the council, may appoint three persons to be armory commissioners, one of whom shall be an experienced builder. They shall receive such compensation as the governor and council shall determine.

Armory
commissioners,
appointment,
compensation.

SECTION 112. If the city council of any city shall vote, or if the voters of any town of more than twelve thousand inhabitants shall vote, to have an armory constructed therein and shall designate the amount of the loan necessary for acquiring land and for erecting an armory, the armory commissioners of the Commonwealth shall thereupon acquire, by purchase or otherwise, a suitable lot of land in that city, and shall erect thereon a suitable building for an armory sufficient for one or more companies of infantry, and for such other detachments of the militia and for such of the militia headquarters situated in that city as they may deem necessary, and containing the necessary rooms for drilling and for the care of state property; but no land shall be acquired until the site and no buildings shall be erected until the plans have been approved by the governor and council. The said commissioners shall cause to be recorded in the registry of deeds for the county and district in which the land lies a description of the land taken as aforesaid, as certain as is required in an ordinary deed, with a statement signed by the commissioners that it is taken for the city in which it is situated. The act and time of filing thereof shall be the act and time of taking such land and notice to all persons that the same has so been taken. The title to the land so taken shall vest absolutely in the city in which it is situated and its assigns. They may, by agree-

To acquire
land for
armories.

ment with the owner of the land taken, determine the value thereof, and in default of such agreement either party may have a jury in the superior court to determine such value, in the manner provided for the determination of damages for land taken for highways in such city, if the petition therefor is filed in the clerk's office of the superior court for the county in which the land lies within one year from the taking.

Enlargement
of armories.

At the request of the city council of a city in which an armory built by them is situated, they shall enlarge the same at an expense limited by such city council.

Payment of
damages.

SECTION 113. The amount determined by agreement of said commissioners, or by verdict, as the value of any property so purchased or taken, shall be paid from the treasury of the Commonwealth, upon the execution of such release or conveyance as shall be prescribed by the attorney general.

Armory Loan.

SECTION 114. To meet the expenses incurred under the three preceding sections, the treasurer and receiver general shall, with the approval of the governor and council, issue registered or coupon bonds in the name and behalf of the Commonwealth, and under its seal, for terms not exceeding thirty years, with interest not exceeding four per cent per annum, payable semi-annually, on the first day of March and September. They shall be designated on the face thereof, Armory Loan; shall be countersigned by the governor, and shall be sold at public auction, or in such other mode and at such times and prices and in such amounts, and at such rate of interest, not exceeding four per cent per annum, as the governor and council shall deem for the best interest of the Commonwealth.

Sinking fund.

SECTION 115. The treasurer and receiver general shall, on issuing said bonds, establish a sinking fund and shall apportion thereto annually an amount sufficient with its accumulations to extinguish the debt at maturity. The amount required each year to pay the interest and sinking fund requirements shall be assessed upon the city in which such armory is situated, in the apportionment and assessment of its annual tax; and the treasurer and receiver general shall notify such city of the assessment which shall be paid by it with its state tax, and after said debt has been extinguished no rent shall be paid by the Commonwealth for the use of said armories.

Apportion-
ment, assess-
ment and
payment.

SECTION 116. Said armories shall be under the control of the adjutant general, under the orders of the commander-in-chief, and all expenses of the care, furnishing and repairs of the same shall be paid by the Commonwealth.

Armories to be under control of adjutant general, etc.

SECTION 117. Where two or more companies of the same battalion or squadron are located in a city or town, the mayor and aldermen or selectmen shall, if practicable, provide a drill hall to be used by them in common, sufficient for drill, and a smaller room in the same building for each company, suitable for company meetings and for the safe keeping of military property. The headquarters of each regiment, separate battalion, squadron and corps of cadets shall, if practicable, be established with said commands, or portions thereof.

Drill halls to be provided, when.

SECTION 118. Cities and towns in which regiments, battalions, corps of cadets or companies, or the headquarters of brigades, regiments, separate battalion, squadron, corps of cadets, signal and hospital corps, or detachments of militia are located, may raise money by taxation or otherwise for the purpose of acquiring land and erecting suitable buildings for the armories or headquarters of such organizations.

Money may be raised by taxation or otherwise.

SECTION 119. When a company is formed from different places the location of its armory shall be determined by a majority of its members, subject to the approval of the adjutant general.

Location of armory, etc.

SECTION 120. Armories provided for the militia shall not be used except by the organized militia, and they shall not be let to or occupied by any one except for a proper military purpose, and then only upon application approved by the commander-in-chief and intermediate commanders: *provided, however*, that the adjutant general, upon terms and conditions to be prescribed by him and upon an application approved by the military custodian of an armory provided in any city or town for the militia, may allow the temporary use of such armory in case of public emergency or for municipal purposes. The compensation fixed by the adjutant general for every such temporary use shall be paid to the treasurer and receiver general within ten days after the occupation of the armory for such temporary use ceases, accompanied by the certificate of the adjutant general that the sum so paid is the correct amount; and all moneys so paid shall be credited to the

Use of armories limited.

Proviso.

armory appropriation for the fiscal year in which the payment is made.

Officers to control armory during occupation.

Penalty for molesting troops therein.

Janitor.

Return to be made to adjutant general.

Allowance to cities and towns maintaining armories.

Proviso.

SECTION 121. Every officer whose command occupies, assembles or drills in any armory, drill hall or building allowed according to law for such purpose, shall have control of such premises during the period of occupation, subject to the orders of his superior officers; and any person who intrudes contrary to his orders or the orders of his superior officers, or who interrupts, molests, obstructs or insults the troops or any of them so occupying such premises, may be ejected, forcibly, if necessary, or may be dealt with as provided in sections one hundred and forty-seven and one hundred and forty-eight for like offences at the discretion of such officer or of his superior officers; but reasonable inspection of the premises may be made by the mayor and aldermen or by the selectmen, or by the owners of the premises, if such inspection is according to the terms of the lease. There shall annually be paid from the treasury of the Commonwealth to each company the sum of one hundred and twenty-five dollars for the services of the janitor of its armory if such janitor is not paid directly by the Commonwealth.

SECTION 122. The mayor and aldermen of a city and the selectmen of a town which constructs or maintains an armory for the exclusive use of the militia shall annually, on the first day of January, make a return to the adjutant general stating the name of each militia organization or headquarters for which such city or town provides an armory, and the amount of expense incurred for the services of janitors and for lighting and heating such armory during the preceding year. The return shall state that the expense incurred is fair and reasonable, and shall be sworn to by at least two members of the board of aldermen in a city, and in a town by at least two of the selectmen.

There shall be allowed annually therefor to each city or town maintaining an armory as aforesaid for one or two companies a sum not exceeding twelve hundred dollars, and a further sum of four hundred dollars for each additional company occupying the same armory, and two hundred dollars for each headquarters of a brigade, regiment, naval brigade, separate battalion, squadron or corps of cadets quartered therein: *provided, however*, that the

sum paid for the rental of any armory shall not exceed four per cent of the cost of the said armory.

The amount to be allowed to a corps of cadets shall be determined by the commander-in-chief, but shall not exceed the allowance which would be made in the aggregate to a battalion of four companies and the headquarters thereof.

Amount to be allowed to corps of cadets.

SECTION 123. The adjutant general shall examine every return made under the provisions of the preceding section, and after proper investigation or inquiry shall, under the direction of the commander-in-chief, allow or disallow it in whole or in part. He shall, not later than March first of each year, file with the auditor his certificate, stating the sum allowed, the name of the command occupying such armory, and the city or town making the return, and shall thereupon notify the mayor and aldermen or the selectmen of the sum allowed, which shall be paid to such city or town: *provided, however*, that no return received by the adjutant general after the first day of February shall be allowed.

Adjutant general to examine returns, file certificate with auditor, etc.

Proviso.

Tours of Duty, Inspection and Drills.

SECTION 124. The commander-in-chief shall call out the volunteer militia to repel an invasion or to suppress an insurrection made or threatened. If such invasion or insurrection or imminent danger thereof is so sudden that the commander-in-chief cannot be informed and his orders seasonably received and executed, a brigade commander in that part of the Commonwealth may order out his brigade, or any part thereof.

Volunteer militia to be ordered out upon an invasion or insurrection.

SECTION 125. In case of a tumult, riot, mob, or a body of men acting together by force to violate or resist the laws of the Commonwealth, or when such tumult, riot or mob is threatened and the fact appears to the commander-in-chief, to the sheriff of the county, to the mayor of the city or to the selectmen of the town, the commander-in-chief may issue his order, or such sheriff, mayor or selectmen may issue a precept, directed to any commander of a brigade, regiment, naval brigade, battalion, squadron, corps of cadets or company, within their jurisdiction, directing him to order his command, or a part thereof, to appear at a time and place therein specified to aid the

Troops may be ordered out in case of riot or tumult.

civil authority in suppressing such violence and supporting the laws; which precept shall be in substance as follows:

COMMONWEALTH OF MASSACHUSETTS.

Form of
precept.

To [insert the officer's title] *A. B.*, commanding [insert his command].

Whereas, it appears to [the sheriff, mayor or the selectmen] of the [county, city or town] of , that [here state one or more of the causes above mentioned] in our of , and that military force is necessary to aid the civil authority in suppressing the same: Now, therefore, we command you that you cause [your command, or such part thereof as may be desired], armed and equipped with ammunition and with proper officers, to parade at , on , then and there to obey such orders as may be given according to law. Hereof fail not at your peril, and have you there this precept with your doings returned thereon.

This precept shall be signed by such sheriff, mayor or selectmen and may be varied to suit the circumstances of the case; and a copy of the same shall immediately be forwarded by such sheriff, mayor or selectmen to the commander-in-chief.

Officer to order
troops to
parade, etc.

SECTION 126. The officer to whom the order of the commander-in-chief or brigade commander, or such precept, is directed shall forthwith order the troops therein called for to parade at the time and place appointed, and shall immediately notify the commander-in-chief of his order, directly in the most expeditious manner, and by letter through the usual military channels.

Penalty on
officer for
neglect, etc.

SECTION 127. If an officer refuses or neglects to obey such order or precept, or if any officer or soldier neglects or refuses to obey an order issued in pursuance thereof, he shall be punished as a court-martial may adjudge.

Troops to
appear armed
and equipped.

SECTION 128. Such troops shall appear at the time and place appointed, armed, equipped, and with ball ammunition, and shall obey and execute such orders as they have received, or such additional orders as they may then and there receive from the governor, or from an officer serving under the provisions of section one hundred and twenty-five.

Certain orders
to be in
writing when
practicable,
etc.

SECTION 129. Whenever practicable, all orders issued under the provisions of section one hundred and twenty-eight shall, at the request of the officers to whom they are addressed, be in writing and shall be signed by the

officers or magistrates issuing the same. Such orders shall set forth the purposes to be accomplished by the military officer to whom they are addressed, but shall not prescribe the military measures to be used or the orders to be issued by said officer, who shall use such measures and issue such orders as he shall deem necessary to accomplish the purpose indicated.

SECTION 130. No officer or soldier shall be liable, either civilly or criminally, for any injury to person or property caused by such officer or soldier, or by his order, while such officer or soldier is serving under the provisions of section one hundred and twenty-five and is acting in obedience to and in execution of such orders as he may have received from the person or persons and in the manner prescribed by this act: *provided*, that the act or order causing such injuries was not manifestly beyond the scope of the authority of such officer or soldier.

Officers or soldiers not to be liable for injury in certain cases.

Proviso.

SECTION 131. If a company without officers is ordered to march, or if a detachment is ordered therefrom, the commander of the regiment, battalion, squadron, naval brigade or corps shall detail an officer to command, who shall have the same authority and responsibility as the captain of such company.

Detail of officer to command, if company is without officers.

SECTION 132. The mayor and aldermen of any city and the selectmen of any town, when required in writing by a commander of a regiment or detachment serving under the provisions of sections one hundred and twenty-four or one hundred and twenty-five, shall provide suitable transportation, rations and supplies for such regiment or detachment, until notified to the contrary by the commanding officer, and shall present their accounts for the same to the quartermaster general. For any neglect by such mayor and aldermen or selectmen, under the provisions of this section, such city or town shall forfeit to the use of the Commonwealth not less than one hundred nor more than one thousand dollars.

Cities and towns to provide supplies, transportation, etc., in certain cases.

Penalty.

SECTION 133. When the entire volunteer militia has been called out under sections one hundred and twenty-four or one hundred and twenty-five, and a further force is required, it shall be taken from the reserve militia, as provided in section ten.

Additional force to be taken from reserve militia.

SECTION 134. Each regiment, separate battalion, squadron, naval brigade, corps of cadets, signal corps, hospital corps and unattached company of the volunteer militia

Annual parade for drill and inspection.

shall parade for instruction one day in each year, at a time and place appointed by the commander-in-chief. The inspector general, his assistants, or other officers designated by the commander-in-chief, shall attend such tours of duty and within thirty days thereafter shall report in writing to the commander-in-chief upon the proficiency of the troops.

Annual camp duty.

SECTION 135. The volunteer militia shall perform not less than seven consecutive days of camp duty in each year, at a time and place designated by the commander-in-chief.

Encampments at state camp ground, unless otherwise directed.

SECTION 136. All encampments shall be held upon the state camp ground, unless otherwise directed by the commander-in-chief; and no ground shall be occupied for an encampment of the militia in time of peace without the consent of the mayor and aldermen of the city or of the selectmen of the town where the encampment is to be held, unless by order of the commander-in-chief. The Commonwealth shall pay for the use of such ground on contracts approved by the adjutant general.

Camp duty, inspector general, report, etc.

SECTION 137. At each encampment the troops shall be thoroughly exercised in the routine of camp duty. The inspector general and such assistants as may be detailed shall be present, and he shall, within thirty days thereafter, report in writing to the commander-in-chief in regard to numbers, discipline and other matters affecting the character or efficiency of the organizations.

Judge advocate general, etc., attendance and jurisdiction at encampment.

SECTION 138. The judge advocate general or any judge advocate may be detailed by the commander-in-chief to attend any encampment, and, during the encampment, shall within the limits of the camp and for a distance of one mile from the guard line have the jurisdiction of a district court over all offences then and there committed.

Notice for duty.

SECTION 139. The notice for the duty required at drills under section one hundred and thirty-four, and at camp under section one hundred and thirty-five, shall be given to each person verbally, or by delivery to him in person, or by leaving at his abode or usual place of business the order therefor, at least four days previous to the time appointed.

Delivery of orders.

SECTION 140. Commanders of regiments, battalion of field artillery, squadron of cavalry, the naval brigade and corps of cadets or companies may direct such orders to be delivered by one or more of the enlisted men of their command.

SECTION 141. Brigade commanders may, six times in each year, call meetings for instruction of their staff officers, field officers, adjutants, and captains of unattached companies of their commands, at some convenient place within the limits of their brigades, or at such place as the commander-in-chief may designate. Commanders of regiments, separate battalion, squadron, naval brigade and corps of cadets may call similar meetings of the officers of their respective commands six times in each year. No compensation shall be allowed for attendance at such meetings, but the quartermaster general shall provide the necessary transportation for all officers attending such meetings, at the rates established by law, when the distance travelled exceeds five miles. At the discretion of the commander-in-chief a school for officers may be established in any part of the Commonwealth, under such regulations as he deems proper.

Meetings of officers for instruction.

Transportation.

School for officers.

SECTION 142. Brigade commanders may visit the headquarters and companies of their brigades whenever they consider it necessary for military instruction. Commanders of regiments, battalion of field artillery and squadron of cavalry, of the naval brigade and naval battalions and of the cadet corps may visit the companies in their commands six times each year; lieutenant colonels, majors and adjutants, such companies as they are ordered to visit by regimental, separate battalion or squadron commanders, six times each year; inspectors of small arms practice may visit the companies in their respective organizations, when ordered so to do, three times each year; assistant inspectors general of brigades and other brigade staff officers, when ordered so to do by their commanding officers, may visit each company in their brigade once in each year. The inspector general of small arms practice may visit the competitions of company teams in regimental, battalion, squadron, naval brigade, and corps competitions and competitions of regimental, battalion, squadron, naval brigade and corps teams in state matches. Mileage for such visits shall be allowed on receipt of returns therefor at the rate of four cents a mile each way, the distance being computed by the line of the most direct railway communication from the residence of the officer.

Visits by commanding officers.

Mileage to be allowed.

SECTION 143. The commander-in-chief may order out any portion of the militia for escort and other duties, and may authorize the use of mounted bands.

Escort duty, mounted bands.

Companies or officers may be assembled for instruction or inspection.

SECTION 144. The commander of any regiment, battalion of field artillery or squadron of cavalry, the naval brigade or corps of cadets may at any time assemble the companies, or the officers of his command, for instruction; and the commander of a brigade, regiment, battalion, squadron, naval brigade or corps of cadets may order company inspections in the evening at the several company armories, when the good of the service so requires.

Company drills.

SECTION 145. Every company shall drill at least twice in each month and shall drill oftener upon the order of commanding officers: *provided, however*, that, in the discretion of commanding officers, all or part of the drills herein required may be omitted in the two months next following the calendar month in which the annual camp duty prescribed in section one hundred and thirty-five is performed, and such target practice or other exercises as they may direct substituted therefor. Battalion drills may count in the place of company drills. Battalions of infantry regiments, coast artillery and the naval brigade may, without pay, be assembled for instruction twice each year, by order of the commander-in-chief. Transportation shall be furnished by the quartermaster general.

Proviso.

Battalion drills.

Transportation.

No voluntary parades without approval.

SECTION 146. No parade or voluntary service shall be performed by any company, under arms or with state uniform, without the approval of the regimental or separate battalion or squadron commander, or, if unattached, of its next superior commander.

Bounds of parades or encampments.

SECTION 147. Every commanding officer, when on duty, may fix necessary bounds and limits to his parade or encampment, not including a road in such bounds, as to prevent travelling thereon, within which no person shall enter without his leave. Whoever intrudes within the limits of the parade or encampment, after being forbidden, may be ejected, forcibly if necessary, or may be confined under guard during the time of parade or encampment, or during a shorter time, at the discretion of the commanding officer; and whoever resists a sentry attempting to exclude him from such limits may be arrested by order of the commanding officer and tried upon his complaint for assault or for disturbance or breach of the peace.

Punishment for intrusion, etc.

Penalty for molesting or insulting troops on duty.

SECTION 148. If any person interrupts, molests or insults, by abusive words or behavior, or obstructs any officer or soldier while on duty or at any parade, drill or meeting for military improvement, he may immediately be put

under guard and kept at the discretion of the commanding officer until the duty, drill, parade or meeting is concluded; and he may commit such person to any police officer or constable of the city or town wherein such duty, parade, drill or meeting is held, who shall detain him in custody for examination or trial before a court having jurisdiction of the place; and any person found guilty of any of the offences enumerated in this section, or in sections one hundred and twenty-one and one hundred and forty-seven or of obstructing or interfering with United States forces or troops or any portion of the militia in the exercise or enjoyment of the right of way granted by the following section, shall be punished by imprisonment for not more than six months or by a fine of not more than one hundred dollars.

SECTION 149. United States forces or troops, or any portion of the militia parading or performing any duty according to law, shall have the right of way in any street or highway through which they may pass, provided the carriage of the United States mails, the legitimate functions of the police, and the progress and operations of fire engines and fire departments shall not be interfered with thereby.

Troops on duty to have right of way.

SECTION 150. Any soldier guilty of a military offence may be put and kept under guard by the commander of the company, corps, separate battalion, squadron, naval brigade or regiment, or of the post, for a time not extending beyond the term of service for which he is then ordered.

Soldiers may be put under guard in certain cases.

SECTION 151. No officer or soldier in the volunteer militia shall be entitled to compensation for military service unless he personally performs the same, although he may be excused therefrom; and no substitute shall be allowed any compensation for such service.

Personal service necessary for receipt of compensation.

SECTION 152. Except in case of invasion, insurrection, riot or tumult made or threatened, or in obedience to the commander-in-chief, no officer or soldier shall be required to perform military duty on a day appointed for a state election in the city or town in which he resides; and an officer parading his command, or ordering it to parade, contrary to the provisions of this section, shall be liable to trial by court-martial.

Parades forbidden on election day except in case of riot, etc.

SECTION 153. No body of men, except the volunteer militia, the troops of the United States and the Ancient and Honorable Artillery Company of Boston, shall main-

Drilling, etc., of unauthorized associations with firearms prohibited.

Proviso.

Color guards of grand army posts, Spanish war veterans and sons of veterans may parade with firearms, etc.

Penalty.

tain an armory or associate together at any time as a company or organization, for drill or parade with firearms; nor so drill or parade; nor shall any city or town raise or appropriate money toward arming, equipping, uniforming, supporting, or providing drill rooms or armories for any such body of men: *provided*, that associations wholly composed of soldiers honorably discharged from the service of the United States may parade in public with arms, upon the reception of any regiments or companies of soldiers returning from said service, and for escort duty at the burial of deceased soldiers, with the written permission of the mayor and aldermen of the city or selectmen of the town in which they desire to parade; that students in educational institutions where military science is a prescribed part of the course of instruction may, with the consent of the governor, drill and parade with firearms in public, under the superintendence of their teachers, and any body of men may, with the consent of the governor, drill and parade in public with any harmless imitation of firearms which has been approved by the adjutant general; that regularly organized posts of the grand army of the republic, and regularly organized camps of the legion of Spanish war veterans, may at any time parade in public their color guards of not more than twelve men, armed with firearms; that regularly organized camps of the sons of veterans may at any time parade in public their color guards of ten men with firearms; and that any organization heretofore authorized thereto by law may parade with sidearms, and any veteran association composed wholly of past members of the militia of this Commonwealth may maintain an armory for the use of the organizations of the militia to which its members belonged.

SECTION 154. Whoever violates the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men with firearms, shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

Excuses for Non-performance of Duty.

Excuse from duty on physician's certificate, etc.

SECTION 155. No officer or soldier of the volunteer militia not on leave of absence or furlough shall be excused from duty in time of insurrection, invasion or dis-

turbance of the peace, except upon a physician's certificate of disability. If such officer or soldier is absent without leave and does not produce such certificate to his commanding officer, or in case of unattached companies, to his brigade commander, he shall be tried by court-martial for desertion, or absence without leave. Sickness shall not be an excuse unless he procures a certificate or satisfies the court-martial that he was unable to procure the same. Commanding officers of regiments, separate battalion, squadron, naval brigade, corps of cadets, signal corps and hospital corps or, in case of unattached companies, brigade commanders, may, on sufficient grounds, or according to the by-laws provided in section one hundred and seventy-five, excuse absences from camp duty and drills. Delinquents who fail to pay fines imposed upon them shall be tried by court-martial.

Excuse from
duty on
physician's
certificate, etc.

Pay and Allowances.

SECTION 156. There shall be allowed and paid per diem to officers and soldiers of the volunteer militia, on rolls and accounts in such form as the commander-in-chief may prescribe, for the duty prescribed in sections one hundred and twenty-four, one hundred and twenty-five, one hundred and thirty-four, one hundred and thirty-five and one hundred and forty-three, as follows: brigadier general, fifteen dollars and twenty-eight cents; colonel, nine dollars and seventy-three cents; lieutenant colonel, eight dollars and thirty-three cents; major, six dollars and ninety-five cents; captain, mounted, five dollars and fifty-five cents; captain, not mounted, five dollars; adjutant, quartermaster, assistant surgeon, paymaster, and inspector of small arms practice, five dollars; first lieutenant, mounted, four dollars and seventy-five cents; first lieutenant, not mounted, four dollars and seventeen cents; second lieutenant, mounted, four dollars and seventeen cents; second lieutenant, not mounted, three dollars and eighty-nine cents; chaplain, four dollars and seventeen cents; members of a band, five dollars; chief cooks and, in the naval brigade, cooks, first class, four dollars, if, in such form as the commander-in-chief prescribes, it is certified and made to appear that in each case the duty of superintending and assisting in the preparation of the food of the company was actually performed by the chief cook in

Compensation
of officers and
soldiers.

Compensation
of officers and
soldiers.

person during the tour of duty or day of duty for which he is returned for pay; otherwise the pay of other enlisted men of like grade; and every other enlisted man, two dollars. The commander-in-chief at his discretion may order rations to be issued to troops on duty, and the cost of the same shall be deducted from their pay. There shall be allowed for each horse actually used by officers and soldiers authorized to be mounted and for each draft horse used in the artillery the sum of four dollars a day, which shall be in full for keeping and forage. For all other duty under orders of the commander-in-chief, unless otherwise specially provided, or as a witness or defendant under summons, as provided in section one hundred and sixty-nine, there shall be allowed and paid per diem to all officers above the rank of captain, four dollars; to every other commissioned officer, two dollars and fifty cents; to every member of a band, four dollars and if with troops one dollar additional; and to every other enlisted man, two dollars. There shall annually be allowed and paid to each assistant adjutant general of brigade, twenty dollars; to each adjutant, fifty dollars; and to each paymaster, twelve dollars and fifty cents for every company in the command to which he is attached. There shall be allowed and paid to each chief bugler and bugler and drummer of the volunteer militia, for the duty required in sections one hundred and twenty-four, one hundred and twenty-five, one hundred and thirty-four, one hundred and thirty-five and one hundred and forty-three, three dollars and fifty cents a day.

Allowances
for travel.

SECTION 157. There shall be allowed and paid to each officer and soldier required to travel on duty, as follows: under sections one hundred and twenty-four, one hundred and twenty-five, one hundred and thirty-four, one hundred and thirty-five and one hundred and forty-three, two cents a mile each way, computed by the most direct railroad communication from the place in which the headquarters of the various commands and the armories of the companies are situated, and when upon duty as a member or judge advocate of any military court or board, or as a witness or defendant before such court or board; when appearing before the board of examiners provided in section fifty-nine, when attending meetings of officers, as provided in section one hundred and forty-one; when acting as the presiding officer at an election, as an elector at the

election of a general or field officer, or as a paymaster; or in any case when obliged by orders of the commander-in-chief to travel without troops, — four cents a mile each way, computed by the most direct railroad communication from the residence of the officer or soldier. There shall annually be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars for giving instruction in riding to non-commissioned officers, buglers and drivers of the field artillery, to enlisted men of the cavalry, and to enlisted men of the signal corps who are required by law to be mounted. Certificates signed by the commanding officer of each organization, stating the number of men in his command who have received such instruction and who have ridden at least five times under proper military instruction, shall be furnished to the adjutant general, and upon his approval payments shall be made from said sum to the commanding officer of each organization at the rate of ten dollars for each man in his command so certified to have received such instruction. There shall be allowed and paid out of the treasury of the Commonwealth, on the first day of May, the sum of thirty-five dollars, to every person holding a commission in the Massachusetts volunteer militia who has served the whole of the year preceding April first as a commissioned officer, upon the approval of the adjutant general and intermediate commanders of organizations, and upon their certification that such persons during the said period of service have complied with the provisions of section ninety; but this provision shall not apply to the members of the governor's staff. There shall annually be allowed and paid for the care of and responsibility for military property of the Commonwealth in their charge, to each cadet corps commander and each company commander, fifty dollars; to each commander of a company of artillery, one hundred dollars; to each regimental commander and to the signal corps commander, fifty dollars; to the commander of the naval brigade, five hundred dollars, and to the hospital corps commander, fifty dollars; from which the adjutant general may deduct the cost of all articles lost by neglect or losses unsatisfactorily explained, before certification to the auditor for payment. Inspecting officers when on duty in armories, under orders of the commander-in-chief, shall receive the pay and allowances provided for officers on special duty.

For instruction
in riding.

To certain
commissioned
officers.

For care and
responsibility
for military
property.

Inspecting
officers.

What officers
and soldiers to
be mounted.

SECTION 158. The following, and none other, are entitled to be mounted: general, field and staff officers, officers of cavalry, artillery, signal and hospital corps, the men of the enlisted strength attached to brigade headquarters, twenty enlisted men of the signal corps, cavalry and artillery non-commissioned staff officers, enlisted men of cavalry, and the sergeants, including the stable sergeant in each field battery but excluding other stable sergeants, the guidon corporal, the caisson corporals, the buglers of field artillery, the chief bugler and orderly of infantry regiments, one horse only being allowed to each. Batteries of field artillery shall be allowed eight draft horses for each gun. Horses shall not be allowed for members of bands except by special order of the commander-in-chief. Officers detailed as battalion adjutants of regiments shall be allowed a horse and equipments for orderly duty.

Allowance for
transportation
of horses.

SECTION 159. Mounted officers and men, when ordered by the commander-in-chief to transport their horses, shall be allowed the actual cost of such transportation from the point of departure nearest to the several headquarters or the armories of the companies to which they belong. No allowance shall be made for transportation not actually used nor to officers or men when transported by horses provided by the Commonwealth.

No allowance
to be made for
transportation
not used.

Transporta-
tion, forage
and subsist-
ence.

SECTION 160. Forage and subsistence shall be furnished in kind by the quartermaster and commissary general, when troops are on duty under sections one hundred and twenty-four, one hundred and twenty-five, one hundred and thirty-four, one hundred and thirty-five and one hundred and forty-three, and transportation may be furnished in kind by the quartermaster general in lieu of money allowances.

Postage,
stationery and
incidentals.

SECTION 161. There shall annually be allowed for postage, stationery and office incidentals: to each brigade headquarters, ten dollars for each regiment, separate battalion, squadron and unattached company in each brigade; to each regimental and separate battalion and squadron headquarters, ten dollars for each company in such regiment, separate battalion or squadron; to each corps of cadets, twenty-five dollars; and to each company, signal and hospital corps, ten dollars. There shall annually be allowed to each regimental, separate battalion and squadron headquarters, and to each corps of cadets, company,

Repair of
uniforms, etc.

signal and hospital corps, an amount equal to one dollar and seventy-five cents for each enlisted man in each of such organizations, according to the average attendance at tours of duty, inspections and other ordered state duty, during the year ending with the first day of November, for repair of the uniforms and other property of the Commonwealth, and incidental expenses of the several organizations.

SECTION 162. There shall be allowed to each person, not in the volunteer militia, appearing before courts of inquiry or courts-martial upon summons of the president or judge advocate thereof, one dollar and fifty cents for each day's attendance and four cents for each mile necessarily travelled in obedience to such summons.

Travel and attendance at courts-martial.

Courts of Inquiry and Courts-martial.

SECTION 163. Courts of inquiry may be instituted by the commander-in-chief to investigate the conduct of any officer, either upon his own application or upon a complaint or charge of improper conduct, degrading to the character of an officer. Such court shall consist of not more than three officers and may, with the approval of the commander-in-chief, require a judge advocate to attend it in taking testimony and investigating any complaint before it.

Courts of inquiry.

SECTION 164. Such court shall without delay report a statement of facts and, when required, the evidence and its opinion thereon to the commander-in-chief who may, in his discretion, thereupon order a court-martial for the trial of the officer.

Report to, and action of, commander-in-chief.

SECTION 165. General courts-martial for the trial of commissioned officers shall be ordered by the commander-in-chief at such times as the interest of the service may require, and shall consist of not less than three nor more than seven officers, none of whom shall be of less rank than the accused.

General courts-martial for trial of commissioned officers.

SECTION 166. The commanding officer of each brigade shall, when necessary, appoint for the trial of non-commissioned officers, musicians and privates, a battalion or regimental court-martial for any regiment, battalion, squadron or unattached company in his brigade; and the commander-in-chief shall appoint courts-martial for the corps of cadets. It shall consist of one officer of the line whose rank is not

Regimental or battalion courts-martial for trial of non-commissioned officers, privates, etc.

below that of major; and, unless otherwise directed by the commander-in-chief, shall be held at the armory of the company, or, in case of a non-commissioned staff officer, at the headquarters of the organization to which the accused belongs, and, subject to the approval of the officer ordering the court, may sentence the soldier tried to be reprimanded in company, corps, squadron, separate battalion or regimental orders, or, in case of a company non-commissioned officer, to be reduced to the ranks; and may, with the approval of the commander-in-chief, sentence him to be reprimanded in brigade orders or in orders from general headquarters, to be dishonorably discharged, or to be discharged and disqualified from holding office in the militia of the Commonwealth.

Proceedings of courts-martial to conform to militia regulations.

SECTION 167. Courts-martial shall in all respects conform to the regulations established for the government of the militia of the Commonwealth; and the sentences thereof shall be in accordance with the nature and degree of the offence and according to established military usage, but shall not, in time of peace, extend further than dismissal or discharge, or disqualification from holding any office in the militia.

Report to, and action of, reviewing officer.

SECTION 168. The proceedings and sentence of every court-martial shall without delay be forwarded to the officer competent to review the same, who shall approve or disapprove thereof within fifteen days thereafter; but the reviewing officer may mitigate or commute the sentence. A roll of the officers of the court, of the persons accused or charged and of the witnesses appearing before it, with the residence and number of days' attendance of each, shall constitute a part of the record of every court of inquiry or court-martial.

President and judge advocate may issue summonses, administer oaths, etc.

SECTION 169. The president of every court-martial or court of inquiry, and also the judge advocate, may administer the usual oath to witnesses, and may issue summonses for the accused and the witnesses for the Commonwealth, and also, on application, for the witnesses for the officer or soldier accused or charged; and he may direct the commanding officer of any company to cause such summonses to be served on any member of his company, or may direct the commanding officer of any brigade, regiment, naval brigade, separate battalion, squadron or corps of cadets to serve such summonses on any commissioned or non-commissioned officer of his staff.

SECTION 170. An officer or soldier failing to serve such summons, and a witness failing without sufficient excuse to appear when summoned, shall be liable to trial by court-martial for disobedience of orders, or may be compelled to appear as in case of witnesses before special tribunals.

Penalty for failure to serve summons, non-appearance, etc.

SECTION 171. Commissioned officers may be tried by court-martial, for the following offences: for unmilitary or unofficerlike conduct; drunkenness on duty; neglect of duty; disobedience of orders; acts contrary to the provisions of this chapter or to the regulations for the government of the militia; oppression or injury of any under his command; a combination or attempt with, or advice to, another to break, resist or evade the laws or lawful orders; insulting a superior officer in the line of military duty; presuming to exercise his command while under arrest or suspension; neglect or refusal, when commanding officer, to order out his troops when required by law or when ordered by his superior officer; neglect or refusal to make a draft or detachment when ordered; parading the troops under his command on election days contrary to law; receiving any fee or gratuity as a medical officer for a certificate of inability to do military duty; neglect, when detailed to train and discipline a company, to make complaint for neglect or violation of duty, or for any other neglect for which a commanding officer of the company would be liable; neglect or refusal to march or to make a draft, or for disobedience to an order in case of rebellion or insurrection; refusal or neglect to obey a precept or order to call out the militia or an order issued in obedience thereto, or for advising any officer or soldier to do the like; making a false certificate, account or muster; conduct unbecoming an officer and gentleman, or to the prejudice of good order and military discipline.

Offences for which commissioned officers may be tried by court-martial.

SECTION 172. Enlisted men may be tried by court-martial for the following offences: disobedience of orders, or an act contrary to the provisions of this chapter, to the regulations for the government of the militia, or to the by-laws of the organization to which he belongs, disrespect to his superior officers, mutiny, neglect of duty, drunkenness on duty, or conduct to the prejudice of good order and military discipline.

Offences for which enlisted men may be tried by court-martial.

SECTION 173. No officer or soldier shall be tried by court-martial for any offence not committed within two

Limitation of prosecutions.

years before the issuing of the order for such trial unless the accused has absented himself from the Commonwealth or for some other reason has not been amenable to justice within that period.

When in service to suppress riots, etc., articles of war to apply.

SECTION 174. When any portion of the military forces of the Commonwealth is ordered by the commander-in-chief to assemble for the purpose of suppressing a riot, insurrection, or invasion, or in time of public danger, the rules and articles of war and general regulations for the government of the army of the United States, so far as they may be applicable and with such modifications as the commander-in-chief may prescribe, shall be in force and shall be regarded as part hereof, during such service; but no punishment by death shall in any case be inflicted under such rules and articles, except in time of actual war, invasion or insurrection, declared by proclamation of the governor to exist, and then only after the approval of the sentence by the commander-in-chief.

Regimental, Battalion and Company By-laws.

By-laws of organizations may be adopted with approval of commander-in-chief.

SECTION 175. For the government of matters relating to the interior economy of their respective organizations; the assessment of dues; the regulation of fines for nonperformance of duty and of excuses therefrom, companies, troops, batteries, corps of cadets, the signal corps and hospital corps, may adopt by-laws not repugnant to the law or to the regulations for the government of the militia, subject to the approval of the commander-in-chief. Headquarters of brigades, regiments, separate battalion, squadron and the naval brigade may also adopt by-laws in like manner. All organizations of the militia shall be supplied by the quartermaster general with a treasurer's account book, to be kept as the commander-in-chief prescribes. The books of the treasurer of any command may at any time be examined by inspecting officers, on whose report they shall be subject to the action of the commander-in-chief.

Books, inspection, etc.

Fines.

SECTION 176. Fines fixed by such by-laws for the nonperformance of duty, shall not exceed the following sums: for each day's absence from camp or annual drill, five dollars; for each day's absence from special duty, when ordered by the commander-in-chief, or from any parade ordered by the commanding officer of a regiment, sepa-

rate battalion, squadron, corps of cadets, unattached company, signal or hospital corps, three dollars; for each absence from company or battalion drill, or meeting of officers or non-commissioned officers ordered for the purpose of instruction, inspection, or from an election, one dollar. Money charged to an officer or soldier of the volunteer militia, under the provisions of this chapter or of the by-laws of the organization of which he is or may have been a member, shall constitute a simple contract debt against him and may be recovered upon suit brought in the name of the officer commanding such organization at the time of bringing the action, and prosecuted in accordance with the laws of this Commonwealth for the recovery of such debts in any court of competent jurisdiction. Want of consideration, or the fact that the defendant is or was a member of the same organization as the plaintiff shall not be defences in such suit. The prevailing party shall have his costs without regard to the amount recovered. This remedy shall be in addition to the penalties hereinbefore provided. A judgment for such a fine and costs may be enforced in the same manner as a judgment on a claim for necessities, in accordance with the provisions of sections eighty to eighty-six, both inclusive, of chapter one hundred and sixty-eight of the Revised Laws.

Money charged to an officer or soldier to constitute a simple contract debt, etc.

Enforcement of judgment.

GENERAL PROVISIONS.

SECTION 177. The commander-in-chief may make regulations for the government of the militia in accordance with law and may publish the same with a sufficient index. The commander-in-chief shall cause copies of this act, with such amendments as may be made from time to time, to be published for the information and use of the militia, and a sufficient index shall be made for every such publication, to a copy of which every officer and enlisted man of the volunteer militia shall be entitled.

Regulations for government of militia.

SECTION 178. The militia shall observe the system of discipline and field exercise ordered to be observed by the army of the United States, or such other system as may hereafter be established by the laws of the United States.

United States system of discipline, etc., to be observed by militia.

SECTION 179. Members of the volunteer militia shall not be liable to jury duty; and any officer or soldier who has served continuously and faithfully for nine years in

Exemption from jury duty.

the volunteer militia shall be exempt for life from jury duty, the statement of such service being endorsed on the back of his discharge and certified by his commanding officer.

Rolls of volunteer militia to be made annually, etc.

SECTION 180. Rolls of the volunteer militia, showing the names of all general, field, staff and non-commissioned staff officers, and the names of all company officers and enlisted men in the service, shall be made on the first day of January in each year. Those for companies shall be prepared by the respective company commanders, and all others by direction of the commanding officers of the several organizations. A sworn copy of such rolls, or of so much thereof as may be necessary, shall be furnished by the commanding officers of companies and of such other organizations before the tenth day of January in each year, to the registrars of voters in any city except Boston, and in Boston to the election commissioners, or to the selectmen of any town, in which such companies or organizations or any members thereof are situated, for use in ascertaining exemptions from jury duty. The issue by an officer of the volunteer militia of a false certificate, or the issue of a certificate to any person not entitled to receive the same, for the purpose of securing exemption from jury duty, shall be punished in such manner as the commander-in-chief shall direct. The clerk of the Ancient and Honorable Artillery Company shall furnish annually to the election commissioners in the city of Boston, and to the registrars of voters in any other city, or to the selectmen of any town, sworn rolls of all active members belonging to the company resident in such city or town. No member of the Ancient and Honorable Artillery Company, otherwise liable for jury duty, shall be exempt if the sworn roll herein required has not been made and furnished as aforesaid.

Sworn copies to be furnished to city and town officers.

Penalty for false certificate, etc.

Sworn rolls of the Ancient and Honorable Artillery Company to be furnished to city and town officers annually, etc.

Exemption from arrest on civil process.

SECTION 181. No officer or soldier shall be arrested on civil process while going to, remaining at or returning from, a place where he is ordered to attend for election of officers or military duty.

Relief for injuries received in service.

SECTION 182. If an officer or soldier is wounded or otherwise disabled, or is killed or dies of wounds received while doing military duty according to law, in case of invasion, insurrection or disturbance of the peace, he, his widow or children, shall receive from the general court just and reasonable relief.

SECTION 183. All military accounts unless otherwise provided by law shall annually, on or before the fifteenth day of November, be transmitted to the adjutant general and shall be certified by him if correct, and then presented to the auditor of the Commonwealth for allowance.

Military accounts to be transmitted to adjutant general, etc.

SECTION 184. Paymasters shall take proper vouchers in duplicate for all payments, and immediately after the payment of troops shall file with the treasurer and receiver general an account of their payments, with the duplicates of their vouchers; and such accounts shall be audited by the auditor of the Commonwealth, and the several paymasters held to account for any discrepancies.

Paymasters to take vouchers and file accounts of payments with treasurer.

SECTION 185. Each paymaster shall give bond in the penal sum of ten thousand dollars, with at least two sureties, approved by the governor and council, conditioned faithfully to perform the duties of his office.

Paymasters' bonds.

SECTION 186. Any officer to whom any public military property is at any time issued may be required to give bond, with two sureties, satisfactory to the governor and council, conditioned faithfully to perform the duties of his office; to use all necessary care in the safe keeping of military stores and property committed to his custody; to account for the same, and deliver over to his successor or to any other person authorized to receive the same all such military property.

Officer to whom military property is issued may be required to give bond.

SECTION 187. Commissioned officers and enlisted men, who cannot by reason of their supplementary positions in the volunteer militia be accepted when the organizations to which they are attached are taken into the service of the United States, shall not by reason thereof be discharged from the volunteer militia, but shall be subject within the limits of the Commonwealth to such military duty as the commander-in-chief shall require, and upon the return to the state of the organizations to which they were attached shall resume their former duties.

Certain officers and soldiers of organizations taken into the service of the United States may retain their positions with the volunteer militia.

In like manner, officers and soldiers who are in the service of the Commonwealth, but who do not for any reason enter the volunteer army of the United States, shall retain their positions with the volunteer militia.

SECTION 188. Medical officers of separate battalion, squadron and unattached companies of cavalry and field artillery, the signal officer, range officer and aide-de-camp of coast artillery regiments heretofore commissioned under the provisions of law, may continue in their positions and

Certain officers to continue in their positions, etc.

receive pay and allowance accordingly until discharged or retired under the provisions of this act for the discharge or retirement of officers.

Administra-
tion of oaths
by officers.

SECTION 189. General and field officers, paymasters, the judge advocate general, and all judge advocates may administer the oaths required in this chapter, except as provided in sections fifty-nine and sixty; and also oaths required by the regulations for the government of the militia.

Certain rights
of the Ancient
and Honorable
Artillery Com-
pany not
affected.

SECTION 190. The provisions of this chapter shall not affect the right of the Ancient and Honorable Artillery Company to maintain its organization as a military company, according to ancient usage and to its constitution and by-laws, provided the same are not repugnant to the laws of this Commonwealth or do not restrain the lawful parade or exercise of the active militia.

Troops not to
leave the Com-
monwealth
without con-
sent of com-
mander-in-
chief.

SECTION 191. No organization of the militia shall be ordered without the limits of the Commonwealth, and no military organization shall leave the Commonwealth, for any period or purpose whatever, with public military property in its possession, or use, without the consent of the commander-in-chief. Any organization disobeying the provisions of this section shall forthwith be disbanded by the commander-in-chief, and its officers and members shall be liable to trial by court-martial for disobedience of orders.

Penalty.

Pay of militia
in the service
of the United
States.

SECTION 192. The militia when in the service of the United States, if paid by the Commonwealth, shall receive the same pay and allowances as the regular troops of the United States; and the rations when commuted shall be valued at the rate fixed by the regulations of the United States army in force at the time. When the militia are discharged from such service they shall be allowed pay and rations to their respective homes.

Penalty on
civil officers.

SECTION 193. Civil officers named in this chapter who neglect or refuse to obey its provisions shall, except as otherwise expressly provided, forfeit not less than twenty nor more than five hundred dollars for each offence.

Repeal.

SECTION 194. Chapter sixteen of the Revised Laws and all other acts and parts of acts inconsistent herewith are hereby repealed.

Approved May 26, 1905.

AN ACT TO AUTHORIZE THE BOSTON ELEVATED RAILWAY COMPANY TO CONSTRUCT A SUBWAY OR SUBWAYS IN THE CITY OF CAMBRIDGE. *Chap. 466*

Be it enacted, etc., as follows:

SECTION 1. The Boston Elevated Railway Company, hereinafter called the company, may construct in the city of Cambridge, hereinafter called the city, under the supervision of the board of railroad commissioners, hereinafter called the board, a subway or subways of sufficient size for four railway tracks, and adapted to the running of railway trains and cars therein, with approaches, entrances, sidings, stations, inclines, loops, connections and other suitable appurtenances therefor, all hereinafter called appurtenances (which shall not include terminals), between such point or points in Main street at or near the westerly abutment of Cambridge bridge, or in or in the vicinity of Kendall square, as may be suitable for connection with elevated railway and surface railway tracks, in and under Main street, Massachusetts avenue, to and under Harvard square, Brattle street, Brattle square and Eliot square at or near Murray street, and thence by suitable inclines and approaches to a connection with surface tracks and terminals; and also from Brattle square westerly by suitable inclines and approaches to a connection with surface tracks on Mt. Auburn street at or near Story street; and also from Harvard square northerly in and under Massachusetts avenue and thence by suitable inclines and approaches to and through the westerly portion of the two small commons situated between Massachusetts avenue and Peabody street to a connection with surface tracks in Massachusetts avenue; and may operate and maintain the same for the running of railway trains and cars and other incidental uses in connection therewith. The city may, and upon request of the company shall, discontinue that part of the highway which lies between the two commons.

The Boston Elevated Railway Company may construct subways in Cambridge, etc.

City may discontinue part of certain highway.

SECTION 2. Upon its acceptance of this act the company may enter upon any lands so far as may be necessary to make preliminary investigations, surveys and plans, and may place and maintain marks therein, make borings and excavations, and do all other acts necessary therefor.

Company may enter upon lands, etc.

Not to begin work until plan is filed, etc.

SECTION 3. The company shall not begin the work of construction of such subway or subways until it has filed in the office of the city engineer, within twelve months after its acceptance of this act, a plan showing the proposed route or location thereof and the general form and method of construction; nor until such plan shall have been approved by the mayor. Any such plan may be amended or altered at any time by a new plan. If within thirty days the mayor does not approve any such plan, the company may within sixty days thereafter apply to the board, which, after such notice and hearing as it deems proper, shall approve such plan or alter the same in such manner as it may deem necessary. The city may employ a competent engineer at the expense of the company with whom to consult in reference to such plan and the construction of the subway or subways herein authorized.

City may employ an engineer, etc.

Company may take certain lands, etc.

SECTION 4. The company may take by purchase or otherwise for the purposes of this act, outside the limits of public ways, parks or other public lands, any lands in fee, including the buildings thereon, and any easements or limited estates or rights in lands, including the right to go under or above the surface thereof or through or under buildings or parts of buildings thereon, which it may deem necessary therefor, and any taking under this act in fee or otherwise may be made whether the lands taken or affected are held by title derived under eminent domain or otherwise. A taking or purchase of an easement or limited estate or right in a given parcel of real estate, whether such parcel consists of unimproved land or of land and buildings, may be confined to a part or section of such parcel fixed by horizontal planes of division or otherwise, below, above or at the surface of the soil, and in such case no taking need be made of other parts or sections thereof except of such easements therein as the company may deem necessary. Except as otherwise provided herein, the company may locate and construct such subway or subways and their appurtenances wherever it deems best within the limits aforesaid. For the purposes of this act and within the limits herein prescribed, public ways and parks and the lands over which the same are laid out, or other public lands, may be used without compensation for such use, with the same rights and immunities as the public would have in making the same use thereof.

May locate and construct subways, etc.

SECTION 5. The company may take by purchase or otherwise such lands in fee or such easements or rights in lands as may be necessary or desirable to effect such connection or junction as it may deem suitable between the subway or subways constructed under this act and the elevated railway at the easterly end of the subway described in section one of this act, and at the southerly end of the River street subway, or with any surface railway: *provided, however*, that the method of any such connection or junction which would exclude other public travel from any public way or parkway or part thereof, except at the terminal points of the subway or subways, shall be subject to the approval of the board.

Company may take necessary lands, etc., to make certain connections, etc.

Proviso.

SECTION 6. At any time before or after the completion of such subway or subways, the company may take, by purchase or otherwise, in the manner prescribed by this act, any lands in fee with the buildings thereon or easements or limited estates or rights in land necessary or convenient for terminals or for station purposes or for any alterations in the subways or their appurtenances aforesaid. For all purposes of the construction, connection and equipment of such subways and their appurtenances, so far as may be necessary therefor, the company shall have and may exercise any other powers conferred upon it by chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four, chapter five hundred of the acts of the year eighteen hundred and ninety-seven, or other laws.

May take certain lands, etc., for terminals or for station purposes, etc.

May exercise certain powers.

SECTION 7. To make any taking by right of eminent domain, the company shall cause to be recorded in the registry of deeds for the southern district of the county of Middlesex a description of the lands, easements, estates or rights taken, as certain as is required in a common conveyance of land, with a statement that the same are taken under the authority of this act, signed by a majority of its directors; and the lands, easements, estates or rights so described shall thereupon be taken for the purposes of this act. The company shall at the same time give notice of such taking to the owner of the property taken, if known, but want of such notice shall not affect the validity of the taking.

Proceedings in taking land, etc., by right of eminent domain.

SECTION 8. The company shall pay all damages to or for property taken or injured by it under authority of this act, except that no damages shall be payable in re-

Damages.

spect of the use of public ways or parks or the lands over which the same are laid out, or other public lands, and may agree with any owner of such property upon the amount to be paid as compensation or damages therefor; and if the parties do not agree the same may be determined by a jury in the superior court for the county of Middlesex on petition of such owner against the company, filed in the clerk's office within two years after such taking or injury; and judgment shall be entered upon the verdict of such jury, and costs shall be taxed and execution issued in favor of the prevailing party as in other civil cases. The provisions of sections seventeen to twenty-four inclusive of chapter forty-eight of the Revised Laws, relating to procedure in cases of damage to estates in which several parties have different or several interests, shall apply to proceedings in such cases under this act.

Certain provisions of law to apply.

Company may sell, etc., certain property, etc.

SECTION 9. Whenever any lands or other property of the company acquired for the purposes of this act cease to be needed for such purposes, the company may sell the same, and may sell or remove any buildings thereon; or it may lease any such lands, buildings or interests in lands or other property; and may sell any surplus materials from excavations. The proceeds of such sales, and the fair valuation of such lands or other property not sold, as agreed upon by the city and the company or in case of disagreement as determined by the board, shall be deducted from the cost to be paid by the city as hereinafter provided.

Certain structures may be removed or relocated, etc.

SECTION 10. Upon the written request of the company, the city shall order the temporary or permanent removal or relocation of any surface tracks, conduits, pipes, wires, poles, or other property of the Commonwealth, or of any person or corporation except the city or the company, which the company deems to interfere with the construction or operation of the subway or subways, and the city shall grant new locations for any such structures previously having locations. Such order, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such surface tracks, conduits, wires, pipes, poles or other property, and the owner of any such structures in public ways or lands shall comply with such order without expense to the company. If such owner shall fail to comply with such order within

a reasonable time to be fixed therein, the company may remove such surface tracks, conduits, pipes, wires, poles or other property, and may relocate and reconstruct the same, and the cost of such removal, relocation and reconstruction shall be repaid to the company by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof. The removal and relocation of any property of the Commonwealth shall be subject to the approval of the board having charge thereof, and at the expense of the company. Any gas or electric lighting company may shut off the gas or current from any pipes or wires affected by any action done hereunder, when and so far as may be necessary to avoid the escape or explosion of gas, or to avoid other public danger. Temporary locations shall be granted on request of the company, for any surface tracks owned or operated by it; and, as soon as the state of the work permits the same may be restored to the original locations as nearly as may be.

Temporary locations may be granted, etc.

SECTION 11. Whenever the company shall make an excavation in any public way or park or other public lands, it shall be upon condition that the company, if so directed by the mayor, shall deliver such part of the surplus materials taken from such excavation as it does not sell, at such point or points in the city as he may direct, within two miles from the place of such excavation, accessible by street railway tracks on locations then existing or temporary locations which the city, upon request of the company, shall grant therefor; and the company shall have authority to transport the same over any such locations. The company shall comply with all reasonable rules and regulations of the city relating to obstruction or excavation of any way or public lands, and shall at its own expense restore the surface thereof, as soon as practicable to a condition as good as its former condition. The company may remove any poles, wires, pipes, conduits, sewers, drains or other structures of the city, so far as the work may require, on condition that the same shall be replaced at the expense of the company in a condition as serviceable as their condition before such removal, and in such place and manner as the duly authorized city officers shall direct or approve.

Company to deliver certain surplus materials to city if so directed, etc.

To comply with certain rules and regulations.

May remove poles, wires, etc., on certain conditions.

SECTION 12. All work done under this act in or under any public way shall be conducted, so far as may be prac-

Public ways to be kept open for travel

between certain hours.

Proviso.

Location of stations.

Determination of certain questions.

Placing of wires in subways.

Subways to be examined, certificate to be filed, etc.

Company may issue additional stock or bonds, etc.

ticable, in such manner as to leave such way, or a reasonable part thereof, open for travel between the hours of seven in the forenoon and six in the afternoon of each secular day except public holidays: *provided, however*, that any way may, if the company deems necessary, be closed to public travel for distances not exceeding one third of a mile each.

SECTION 13. Subject to the approval of the mayor, the company may locate stations at convenient points, with suitable exits and approaches to and from the streets and such stations; but the same, except platforms and approaches thereto from buildings, shall not be located in any public way sixty feet or less in width, nor shall the same be located in any other public ways or lands except with the approval of the mayor.

SECTION 14. The company shall be entitled to written notice of the proposed determination by the city, or by any officer thereof, of any question arising in the course of the work herein provided for, which it or he is authorized by this act to determine; and if such determination when made is not satisfactory to the company, it may within seven days after written notice thereof apply to the board for revision thereof, and thereupon the board may consider and finally determine such question.

SECTION 15. Any person or corporation using or authorized to use wires along the route of such subway or subways may place the same therein, in such manner and upon such terms, as to compensation or otherwise, as the company may approve; except that no contracts therefor shall extend beyond the period of twenty years from the opening of the subway for use.

SECTION 16. Upon completion of any subway herein provided for, and before the same shall be opened for public use, it shall be examined by the board, and if it appears to be in safe condition for operation the board shall give to the company a certificate to that effect, which shall be filed in the office of the secretary of the Commonwealth; and thereupon the company shall be authorized to open such subway for public use.

SECTION 17. The company may from time to time, in the manner and subject to the requirements prescribed by law, issue and dispose of such additional amounts of its capital stock or bonds, or of either at its option, as may be necessary to meet and pay the cost of construction,

connection and equipment of such subway or subways and appurtenances for use and operation, the cost of acquisition of any land or lands, and all other expenditures made or incurred by the company under authority of this act.

SECTION 18. The provisions of the compensation clause of section ten of chapter five hundred of the acts of the year eighteen hundred and ninety-seven shall include the additional track mileage of the company constructed under this act.

Provisions of compensation clause of 1897, 500, § 10, to include additional track mileage.

SECTION 19. The subway or subways to be constructed under this act, with their appurtenances and equipment, shall be and be considered, for purposes of regulation by the board, a part of the elevated railway of the company; and such subway or subways and their appurtenances shall be held by the company, its successors and assigns, by and upon the same tenure as its elevated lines and structures, as defined in the first clause of section nineteen of chapter five hundred of the acts of the year eighteen hundred and ninety-seven, ending with the words "Public Statutes", and as though constructed under said act; and the same shall never be taken or purchased from the company or its successors or assigns, unless by its or their consent; except in the manner and on the terms defined in said first clause of said section nineteen, or under the right of purchase conferred upon the city by sections twenty and twenty-one of this act. In respect of the equipment, use and operation of the railways to be constructed in such subway or subways, and transportation thereon, the company shall have all the powers and privileges and be subject to all the duties, liabilities and restrictions set forth in general or special laws now or hereafter in force applicable to it, so far as the same do not impair contract rights or privileges, acquired under any law or otherwise.

Subways to be considered part of the elevated railway, etc.

SECTION 20. At any time after the expiration of twenty years from the opening for use of the subway or subways described in section one of this act, or at any earlier time by agreement with the company or its successors or assigns, and upon the payment to it or them by the city of such an amount as will reimburse the company or its successors or assigns the original cost of such subway or subways and their appurtenances and equipment, together with the cost of all additions or alterations lawfully made thereto or therein, with simple interest at eight per cent per year on the cost paid in by its stock-

City may purchase property, etc.

holders, to be computed from the time of such payment by the stockholders, (but not prior to the opening for use) to the time of the purchase, in addition to interest at three and one fourth per cent per year on all sums expended in construction from the time of their expenditure to the time of the opening for use, deducting however from such interest any and all dividends declared and paid after such opening for use upon any stock issued therefor, but without interest on such dividends, and also deducting from the purchase price such other amounts as are provided for by section nine of this act, the title to all such property so purchased and all rights and interests therein shall vest exclusively in the city. This right of purchase of the city shall be in lieu of the right of the Commonwealth under section six of chapter one hundred and eleven of the Revised Laws, but shall not otherwise affect any rights of the Commonwealth. Upon such purchase the city shall have, hold and enjoy in its private or proprietary capacity, as its own property, the subway or subways and their appurtenances so acquired, and all rents, tolls, income and profits derived therefrom, and the same shall never be taken by the Commonwealth except upon payment of just compensation therefor: *provided, however*, that so much of such rents, tolls, income and profits as may be necessary therefor shall be paid into the respective sinking funds for the redemption of any bonds which shall be issued by the city for such purchase and shall be used for the payment of interest thereon.

Certain rights of the Commonwealth not affected, etc.

City to hold, etc., subways as its own property, etc.

Proviso.

River street subway may be constructed, etc.

SECTION 21. Within twenty years after the opening for use of the subway or subways described in section one of this act, or at any time before the city shall exercise its right to purchase the same, the company or its successors or assigns may construct in the city a subway or subways to be called the River street subway, for two railway tracks and adapted to the running of railway trains and cars therein, with suitable appurtenances therefor as defined in section one of this act, beginning at a point in the subway or subways described in section one of this act, at or near the junction of Massachusetts avenue, formerly called Main street, and River street, thence in and under River street to the northerly line of Putnam avenue, or to a point at or near the northerly abutment of the Cambridge street bridge in that part of Boston called Brighton, or to any other point between

said northerly line of Putnam avenue and the northerly abutment of said bridge, there to connect with elevated railway or surface railway tracks, in such manner, not obstructing travel in any park or parkway, as the company may determine; such subway or subways to be constructed upon the same terms and conditions and with the same rights, privileges and powers in the construction, maintenance and operation thereof, which rights, privileges and powers are hereby conferred for such purpose, and to be held by the company, its successors or assigns, by and upon the same tenure, as is herein provided for and concerning the subway or subways described in section one of this act; excepting that the city shall have the right to purchase the same, upon the same terms as those set forth in section twenty of this act, at any time after twenty years from the opening for use of the subway or subways described in section one of this act, or at any earlier time by agreement with the company or its successors or assigns. Upon such purchase the title to all such property so purchased and all rights and interests therein shall vest exclusively in the city. This right of purchase of the city shall be in lieu of the right of the Commonwealth under section six of chapter one hundred and eleven of the Revised Laws, but shall not otherwise affect any rights of the Commonwealth. Upon such purchase the city shall have, hold and enjoy in its private or proprietary capacity, as its own property, the River street subway and its appurtenances so acquired, and all rents, tolls, income and profits derived therefrom, and the same shall never be taken by the Commonwealth except upon payment of just compensation therefor: *provided, however,* that so much of such rents, tolls, income and profits as may be necessary therefor shall be paid into the respective sinking funds for the redemption of any bonds which shall be issued by the city for such purchase, and shall be used for the payment of interest thereon. Nothing in this act shall be deemed to require the company or its successors or assigns to construct the River street subway.

City may purchase River street subway.

Certain rights of the Commonwealth not affected.

City to hold, etc., River street subway as its own property, etc.

Proviso.

Not to be deemed to require construction of River street subway.
Cambridge Subway Loan.

SECTION 22. For the purpose of meeting the requirements of sections twenty and twenty-one of this act, the city may issue from time to time notes, bonds or scrip, in excess of the tax limit prescribed by law, designated on the face thereof Cambridge Subway Loan, to an amount

not exceeding the sums required under this act, and shall use the proceeds of the same for such purpose.

Certain locations for an elevated railway revoked upon acceptance of this act, etc.

SECTION 23. Upon the acceptance of this act by the company, the locations for an elevated railway granted to the company by the provisions of chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four, chapter five hundred of the acts of the year eighteen hundred and ninety-seven and acts in amendment thereof and in addition thereto, from a point on Murray street near Charles river to the most westerly point at which the subway described in section one of this act may terminate at its easterly end under the provisions of said section, and from a point at or near the junction of Massachusetts avenue, formerly called Main street, and River street, in and through River street, to the most northerly point at which the River street subway may terminate at its southerly end, under the provisions of section twenty-one, shall be revoked and of no further force or effect, and the company shall not without further legislative authority construct any elevated railway upon or over the locations so revoked, nor be subject to any penalty or forfeiture for omission so to do.

Enforcement of provisions, etc.

SECTION 24. The supreme judicial or superior court, upon the application of the city, the company or any other party in interest, may enforce or prevent violation of the provisions of this act, by any appropriate process.

When to take effect, etc.

SECTION 25. This act shall take effect upon its acceptance by the company by vote of its board of directors, and return thereof, within two months after its passage. If so accepted, the company shall complete the work of construction of the subway described in section one of this act within four years after the final approval of the original plan required by section three. If such construction is delayed by litigation, unforeseen casualty or other cause, the company may apply to the board for relief from this requirement, and the board, upon notice to the city and upon hearing and proof that such litigation was not collusive, or that such casualty or other cause was not due to the fault of the company, may grant such extension of the time for completion as it may deem reasonable.

Approved May 26, 1905.

AN ACT RELATIVE TO THE HORACE MANN SCHOOL FOR THE DEAF IN THE CITY OF BOSTON. *Chap. 467*

Be it enacted, etc., as follows:

SECTION 1. All the proprietary right, title and interest by way of reversion, right of re-entry, or otherwise, remaining to the Commonwealth in that tract of land situated on Newbury street in Boston and described as follows:— Beginning at a point on the southerly line of Newbury street eighty-four feet easterly from Exeter street, thence easterly on the southerly line of Newbury street seventy-five feet; thence southerly one hundred and twelve feet to a passageway sixteen feet wide; thence westerly on the northerly side of said passageway seventy-five feet; thence northerly one hundred and twelve feet to the southerly line of Newbury street; containing eighty-four hundred square feet; also all that part of said passageway that lies northerly of its centre line and between the easterly and westerly lines of said lot extended, which the city of Boston is authorized by chapter two hundred and one of the acts of the year eighteen hundred and eighty-five to hold, occupy and control, is hereby released to the said city, its successors and assigns, and the said city shall hereafter hold said parcel of land in fee, subject to the rights, if any, of other parties, and to the restrictions contained in conveyances heretofore made by the Commonwealth of its lands upon said Newbury street between Dartmouth and Exeter streets.

Certain land released to city of Boston, etc.

SECTION 2. In consideration of said release as hereinbefore provided, if and whenever the city of Boston shall sell or convey the property so released the entire proceeds of such sale or conveyance shall be used for the purchase of another suitable site and for the erection of necessary buildings to furnish accommodation for the education of deaf mutes. All of the above conditions shall be subject to the approval of the state board of education, and such property shall be used exclusively for the purpose of maintaining a school for the education of the deaf; but the purchaser of said property shall not in any event be bound to see to the application of the purchase money.

Proceeds of sale of property to be used for purchase of land and erection of buildings for education of deaf mutes.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1905.

Chap. 468 AN ACT TO AUTHORIZE CERTAIN ALLOWANCES TO COMMISSIONED OFFICERS OF THE MILITIA.

Be it enacted, etc., as follows:

1904, 361, § 1,
amended.

Allowances to
certain com-
missioned
officers of the
militia.

SECTION 1. Chapter three hundred and sixty-one of the acts of the year nineteen hundred and four is hereby amended by striking out section one and inserting in place thereof the following:—*Section 1.* There shall be allowed and paid out of the treasury of the Commonwealth, to every person holding a commission in the Massachusetts volunteer militia who has served the whole of the year preceding April first, nineteen hundred and five, as a commissioned officer, the sum of thirty-five dollars, upon the approval of the adjutant general and intermediate commanders of organizations and upon their certification that such persons during the said period of service have complied with the provisions of section eighty-five of chapter sixteen of the Revised Laws respecting uniforms, arms and equipments; but this act shall not apply to members of the governor's staff.

Same subject.

SECTION 2. Every person who at the date of the passage of said chapter three hundred and sixty-one held a commission in the Massachusetts volunteer militia and had served the whole of the year preceding that date as a commissioned officer, shall be allowed and paid out of the treasury of the Commonwealth the sum of thirty-five dollars, upon the certification and approval of the adjutant general and intermediate commanders of organizations that such person has during said period complied with the provisions of section eighty-five of chapter sixteen of the Revised Laws respecting uniforms, arms and equipments.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1905.

Chap. 469 AN ACT TO PROVIDE FOR SUPPLYING WATER TO THE DANVERS INSANE HOSPITAL.

Be it enacted, etc., as follows:

Trustees of
Danvers
insane hospital
may take cer-
tain water,
land, etc.

SECTION 1. The trustees of the Danvers insane hospital are hereby authorized and empowered to take from Middleton pond at some convenient point, or from wells by driven pipes or otherwise, a supply of pure water for the

use of said hospital and its appurtenances. Said trustees may also take by purchase or otherwise, and hold, in connection with the said source of supply, any land and real estate necessary for increasing or preserving the purity of the water, or for laying, building or maintaining aqueducts, water courses, driven wells, reservoirs, dams, buildings, machinery or other structures and appliances, with their accessories for obtaining, conducting, elevating, purifying, storing, discharging and distributing water for said hospital and the buildings and grounds connected therewith.

SECTION 2. The said trustees shall, within sixty days after taking any land or real estate for the purpose aforesaid, file in the registry of deeds for the southern district of the county of Essex a description of the lands so taken sufficiently accurate for identification; and the title of all lands so taken shall vest in the Commonwealth. Said trustees shall be liable to pay all damages to property sustained by any person by the taking of real estate, or by the taking of the supply of water as aforesaid. If any person who shall sustain damages as aforesaid cannot agree with said trustees upon the amount thereof, he may have them assessed and paid in the same manner as is provided by law with respect to land taken for highways: *provided, however*, that the application for a jury to assess damages, in any such case, may be made at any time within six months after the filing in the registry of deeds of the description of lands so taken for the purposes aforesaid.

Description of lands, etc., to be recorded.

Damages.

Proviso.

SECTION 3. The said trustees may, with the approval of the governor and council, contract for the construction of dams, reservoirs, aqueducts and pumping works, and the laying of conduits, pipes and drains for the purpose of conducting the said water to, and distributing it through, said hospital and the buildings and grounds connected therewith.

Trustees may contract for the construction of dams, reservoirs, etc.

SECTION 4. All expenses incurred by the said trustees under the provisions of this act shall be paid from the appropriations made for that purpose: *provided, however*, that if within four months after the passage of this act the town of Danvers shall, at a town meeting duly called for the purpose, agree to make a contract with the trustees of the Danvers insane hospital for a term of twenty years, to supply water at a rate not exceeding six and one quarter cents per thousand gallons, then said trustees shall accept

Payment of expenses.

Proviso.

the aforesaid terms; and upon the making of a contract in accordance with such terms, this act shall have no further operation or effect.

Town of
Danvers may
supply water
under certain
conditions.

SECTION 5. This act is upon the express condition, however, that if, within four months after its passage, the town of Danvers shall, at a town meeting called for the purpose, or through its agents duly authorized, agree to fix at six and one quarter cents per thousand gallons the rate to be paid by the state for the term of twenty years from the passage of this act for a full and permanent supply of water for the Danvers insane hospital, according to the terms of the contract made between the Commonwealth and the town of Danvers, bearing the date of June twenty-third, eighteen hundred and seventy-six, and shall agree to accept payment for all water supplied by said town and used by said hospital from December first, eighteen hundred and ninety-nine, to the passage of this act according to the terms of section six hereof, and shall notify the aforesaid trustees of such acceptance, then and in that event the said trustees shall accept in behalf of the Commonwealth the aforesaid terms, and compensation shall be made accordingly, and thereupon sections one, two, three and four of this act shall have no further operation or effect.

Trustees to
compensate
town of
Danvers for
certain water.

SECTION 6. The said trustees of the Danvers insane hospital shall compensate the said town of Danvers for all water supplied by said town to said hospital from December first, eighteen hundred and ninety-nine, to the date of the passage of this act at one hundred and sixty-two thousand and five hundred gallons per day, at the said rate of six and one quarter cents per thousand gallons, and payment of the same with accrued interest thereon, when accepted by said town or by its duly authorized agents, shall be in full satisfaction of all claims of said town for water supplied as aforesaid. Such payment shall be made from the Danvers Insane Hospital Fund.

SECTION 7. This act shall take effect upon its passage.

Approved May 26, 1905.

AN ACT TO EXEMPT FROM THE COLLATERAL LEGACY TAX
PROPERTY GIVEN IN TRUST FOR THE BENEFIT OF A CITY OR
TOWN FOR PUBLIC PURPOSES. *Chap. 470*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter fifteen of the Re-
vised Laws is hereby amended by inserting after the word
“to”, in the twelfth line, the words:— or for the use
of,— so as to read as follows:— *Section 1.* All prop-
erty within the jurisdiction of the Commonwealth, cor-
poral or incorporeal, and any interest therein, whether
belonging to inhabitants of the Commonwealth or not,
which shall pass by will, or by the laws regulating in-
testate succession, or by deed, grant, sale or gift, made or
intended to take effect in possession or enjoyment after
the death of the grantor, to any person, absolutely or in
trust, except to or for the use of the father, mother,
husband, wife, lineal descendant, brother, sister, adopted
child, the lineal descendant of any adopted child, the
wife or widow of a son, or the husband of a daughter, of
a decedent, or to or for the use of charitable, educational
or religious societies or institutions, the property of which
is by law exempt from taxation, or to or for the use of
a city or town for public purposes, shall be subject to a
tax of five per cent of its value, for the use of the Com-
monwealth; and administrators, executors and trustees,
and any such grantees under a conveyance made during
the grantor’s life, shall be liable for such taxes, with in-
terest, until the same have been paid; but no bequest,
devise or distributive share of an estate, unless its value
exceeds five hundred dollars, shall be subject to the pro-
visions of this chapter.

R. L. 15, § 1,
amended.

Taxation of
collateral
legacies and
successions.

Exemptions.

SECTION 2. The provisions of this act shall apply to
all cases in which such tax remains unpaid at the date of
the passage hereof.

To apply to
certain cases.

SECTION 3. This act shall take effect upon its passage.

Approved May '26, 1905.

Chap.471 AN ACT TO AUTHORIZE THE BOARD OF HARBOR AND LAND COMMISSIONERS TO SELL AND CONVEY CERTAIN LAND TO THE OLD COLONY STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

Harbor and land commissioners to sell, etc., certain land to the Old Colony Street Railway Company.

SECTION 1. The board of harbor and land commissioners may sell and convey to the Old Colony Street Railway Company certain land of the Commonwealth in Mount Hope bay in the city of Fall River, which is described in license numbered two thousand seven hundred seventy-three, granted by said board to said company on the twenty-ninth day of July in the year nineteen hundred and three, upon the payment by said company to the Commonwealth of such sums in addition to the sum stated in the license as the said board may deem just and equitable. All deeds made under the authority of this act shall be subject to the approval of the governor and council.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1905.

Chap.472 AN ACT RELATIVE TO THE INSPECTION OF STEAM BOILERS.

Be it enacted, etc., as follows:

Certain steam boilers to be inspected by district police or insurance company.

SECTION 1. All steam boilers of more than three horse power, except boilers upon locomotives, in private residences, or under the jurisdiction of the United States, or boilers used exclusively for agricultural, horticultural or creamery purposes, shall be inspected either by the district police or by an insurance company authorized to insure boilers within the Commonwealth. Such inspection shall be made internally and externally at least once in each year. The owner or user of any steam boiler inspected by the district police shall pay to the inspector the sum of five dollars at each internal, and two dollars for each external, inspection for every boiler so inspected.

Insurance companies to make report to chief of district police, etc.

SECTION 2. Every insurance company shall forward to the chief of the district police within fourteen days after each internal and external inspection a report of every boiler so inspected by it. Such reports shall be made on blanks furnished by the chief of the district police, and shall contain any recommendations that the in-

insurance company may think it desirable to make. Notice shall be given by the insurance company or the inspector to the owner or user of the boiler inspected of the pressure at which the boiler may safely be operated.

Notice to be given of the pressure at which boiler may safely be operated.

SECTION 3. Any insurance company failing to make a report as above provided shall be fined not more than five hundred dollars for every such failure. Any owner failing to comply with the requirements of the insurance company inspecting his boiler, after notice by the chief of the district police, shall be liable to a fine of not more than five hundred dollars for such failure, and the use of said boiler may be enjoined in the manner provided in section four of chapter one hundred and five of the Revised Laws. The district police shall have authority in the discharge of their duty to enter upon any premises where steam boilers are located, for the purpose of enforcing the provisions of this act.

Penalties.

District police may enter upon premises, etc.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

Approved May 26, 1905.

AN ACT TO ESTABLISH A BOARD OF REGISTRATION IN EMBALMING.

Chap. 473

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint, after the passage of this act, three skilled embalmers, resident in the Commonwealth, who have had five years of practical experience in the embalming of human dead bodies, who shall constitute a Board of Registration in Embalming. Such persons shall be appointed and hold office beginning on the first day of October next, one for one year, one for two years and one for three years, or until their successors shall be appointed; and the governor shall appoint annually thereafter, before the first day of October in each year, one skilled embalmer, qualified as aforesaid, to hold office for three years from the first day of October next ensuing. Not more than one member of said board shall be engaged in embalming in the same city or town. All vacancies occurring in said board shall be filled in accordance with the provisions of this act for the establishment of the original board. Any member of said board may be removed from office for cause by the governor with the advice and consent of the council.

Board of Registration in Embalming, appointment, terms, etc.

Vacancies.

Removals.

Organization.

SECTION 2. The members of said board shall meet on the first Tuesday of October next at such time and place as they may determine, and shall immediately proceed to organize by electing a chairman and secretary, who shall be members of the board and who shall hold their respective offices for the term of one year. The secretary shall give to the treasurer and receiver general of the Commonwealth a bond, in such amount and with such sureties as shall be determined and approved by the governor and council, for the faithful discharge of the duties of his office. Said board shall hold three regular meetings each year, one on the first Tuesday of January, one on the first Tuesday of May and one on the first Tuesday of October, and such additional meetings at such times and places as they may determine.

Secretary to give bond.

Meetings.

Notification and registration of certain persons.

Fee.

SECTION 3. It shall be the duty of the board immediately upon its organization to notify all persons engaged in the embalming of human dead bodies in this Commonwealth, of the provisions of this act; and such persons so notified, who have been engaged in the embalming of human dead bodies for a period of three years prior to the passage of this act, shall, upon their application and the payment of a fee of five dollars to said board, be registered as embalmers, and shall receive a certificate thereof signed by the chairman and secretary of the board, if the board is satisfied that the said applicant is properly qualified.

Registration upon examination.

Re-examination.

Renewal of registration.

Fees to be paid into treasury monthly.

Compensation and expenses.

SECTION 4. Any person not entitled to registration as aforesaid shall, upon the payment of a fee of five dollars, be entitled to an examination, and, if found qualified, shall be registered as an embalmer, and shall receive the certificate thereof provided for in section three. Any person may be re-examined at any meeting of the board upon the payment of a fee of three dollars. Every registered embalmer shall annually, after his registration, on such date as said board may determine, pay to the secretary of said board a fee of two dollars for the renewal of his registration. All fees received by the board under this act shall be paid by the secretary of the board into the treasury of the Commonwealth once in every month.

SECTION 5. The compensation and the incidental and travelling expenses of the board shall be paid by the treasurer of the Commonwealth. The members of the board shall each receive a salary of one hundred dollars

a year and their necessary travelling expenses actually incurred in attending the meetings of the board, but in no case shall any more be paid than was actually expended. Such compensation and travelling expenses and the incidental expenses of the board shall be approved by the board and sent to the auditor of the Commonwealth, who shall certify to the governor and council the amounts due as in the case of all other bills and accounts approved by him under provisions of law: *provided*, that the amount so paid shall not exceed the amount received by the treasurer and receiver general of the Commonwealth from the board in fees as herein specified; and so much of said receipts as may be necessary is hereby appropriated for the compensation and expenses of the board as aforesaid.

Proviso.

SECTION 6. The board shall from time to time adopt rules and regulations not inconsistent with the provisions of this act and the statutes of the Commonwealth governing the care and disposition of human dead bodies and the business of embalming.

Board may adopt rules and regulations.

SECTION 7. The board shall keep a record of the names of all persons registered hereunder and a record of all moneys received and disbursed by said board, a duplicate whereof shall always be open to inspection in the office of the secretary of the Commonwealth. Said board shall annually report to the governor, on or before the first day of January in each year, the condition of embalming in the state, which report shall contain a full and complete record of all its official acts during the year, and shall also contain a statement of the receipts and disbursements of the board.

Record to be kept, etc.

Annual report.

SECTION 8. It shall be the duty of the board to investigate all complaints of disregard, non-compliance or violation of the provisions of this act, and to bring all such questions to the notice of the proper prosecuting officers.

Complaints to be investigated.

SECTION 9. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

Certificates to be conspicuously displayed.

SECTION 10. Whoever, not being registered as aforesaid, shall, by himself, or his agent or servant, unless such agent or servant is so registered, engage in the business of embalming human dead bodies, shall be punished by a fine not exceeding one hundred dollars or by imprisonment for a term not exceeding two months, or by both

Penalty.

Employment
of apprentices
or assistants.

such fine and imprisonment; but nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered embalmer.

When to take
effect.

SECTION 11. For the purpose of the appointment of said board and of registration of persons by them hereunder, this act shall take effect upon its passage, and shall take full effect on the first day of January in the year nineteen hundred and six. *Approved May 26, 1905.*

Chap. 474 AN ACT TO PROVIDE FOR THE CARE AND TREATMENT OF PERSONS INFECTED WITH LEPROSY.

Be it enacted, etc., as follows:

Land to be
taken and
hospital
erected for
the care, etc.,
of persons
afflicted with
leprosy.

SECTION 1. The state board of charity, subject to the approval of the governor, shall be authorized to take in the name and for the use of the Commonwealth land in fee by purchase or eminent domain, and to erect and maintain thereon a hospital for the custody, care and treatment of persons afflicted with leprosy, and for said purpose may expend a sum not exceeding fifty thousand dollars.

Description of
land, etc., to
be recorded.

SECTION 2. Within sixty days after any land is acquired or taken under this act said board shall file and cause to be recorded in the registry of deeds for the county in which such land is situated a description thereof sufficiently accurate for its identification, together with a statement of the purpose for which the same is acquired or taken, which description shall be signed by a majority of said board.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1905.

Chap. 475 AN ACT RELATIVE TO THE EXPENSES OF COMMITMENTS OF INMATES OF CERTAIN PUBLIC INSTITUTIONS TO INSTITUTIONS FOR THE INSANE.

Be it enacted, etc., as follows:

R. L. 87, § 49,
amended.

SECTION 1. Section forty-nine of chapter eighty-seven of the Revised Laws is hereby amended by inserting after the word "inhabitant", in the seventh line, the words: — or, if an inmate of any public institution for the insane, feeble-minded, epileptic, dipsomaniac or inebriate, of the state hospital or the state farm, be committed to any such

institution, such expenses shall be paid by the county of which such inmate was last an inhabitant before his admission to the institution, — so as to read as follows: —

Section 49. All necessary expenses attending the apprehension, examination, trial or commitment of an alleged insane person shall, if the commitment is to a state insane hospital, county receptacle or the Boston insane hospital, be allowed and certified by the judge, and presented as often as once a year to the county commissioners, who shall examine and audit the same; and they shall then be paid by the county of which the alleged insane person is an inhabitant or, if an inmate of any public institution for the insane, feeble-minded, epileptic, dipsomania or inebriate, of the state hospital or the state farm, be committed to any such institution, such expenses shall be paid by the county of which such inmate was last an inhabitant before his admission to the institution. If application is made for commitment to any other asylum, hospital or receptacle, the expenses shall be paid by the applicant or by a person in his behalf.

Payment of expenses of examination, etc., of alleged insane persons.

SECTION 2. All physicians' charges and fees for the examination and commitment of pauper insane at the state hospital, in Tewksbury, which have accrued against the county of Middlesex, under the provisions of chapter two hundred and seventy-eight of the acts of the year nineteen hundred and four shall be apportioned in accordance with the requirements of this act, and, after being separated and audited by the judge, shall be paid by the various counties of which said paupers were inhabitants as provided herein.

Payment of certain charges, etc., for examination, etc., of pauper insane which have accrued against Middlesex county.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1905.

AN ACT TO AUTHORIZE THE TOWN OF FRAMINGHAM TO LAY WATER PIPES AND TO MAKE AN ADDITIONAL WATER LOAN.

Chap. 476

Be it enacted, etc., as follows:

SECTION 1. The town of Framingham is hereby authorized to lay forthwith water mains and pipes in the streets of said town, for the purpose of extending the system of water works of the Framingham Water Company, the property and privileges of which, said town, at a legal meeting of the qualified voters of said town held on May eighth, nineteen hundred and five, voted to pur-

System of water works of the Framingham Water Company may be extended.

Framingham
Water Loan,
Act of 1905.

chase, in accordance with the provisions of chapter two hundred and seventy-one of the acts of the year eighteen hundred and eighty-four; and said town may, for the purpose of defraying the cost of the same, issue from time to time bonds, notes or scrip to an amount not exceeding fifty thousand dollars, in addition to the amounts authorized to be issued by section eight of said chapter. Such bonds, notes or scrip shall bear on the face thereof the words, Framingham Water Loan, Act of 1905, shall be payable at the expiration of periods not more than thirty years from the date of issue, shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually, and shall be issued upon the conditions and in the manner set forth in said chapter two hundred and seventy-one, except as may be provided otherwise herein.

Payment of
loan.

SECTION 2. At the time of making the said loan the town shall provide for the payment thereof by such annual payments as will extinguish the same at maturity; and when a vote to that effect has been passed, the amount required thereby shall be raised thereafter by taxation annually, without further vote by the town, in the same manner in which other taxes are assessed and collected.

SECTION 3. This act shall take effect upon its passage.

Approved May 26, 1905.

Chap. 477 AN ACT TO PROVIDE FOR A WATER SUPPLY SYSTEM FOR THE TOWN OF WINTHROP.

Be it enacted, etc., as follows:

Town of
Winthrop may
supply itself
with water,
etc.

SECTION 1. The town of Winthrop may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, obtaining the same from the metropolitan water and sewerage board, as provided in chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, and acts in amendment thereof and in addition thereto, subject however to the provisions of sections twelve and thirteen of this act. Said town may establish fountains and hydrants and relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

May establish
hydrants, etc.,
regulate use of
water, etc.

May hold and
convey water,
take lands, etc.

SECTION 2. Said town for the purposes aforesaid may hold and convey through said town the water to be furnished by said metropolitan water and sewerage board,

and may also take and hold, by purchase or otherwise, all lands, rights of way and easements necessary for holding, storing, purifying and preserving such water and for conveying the same to any part of said town; may erect on the lands thus taken or held proper dams, reservoirs, buildings, fixtures or other structures; may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; may construct and lay conduits, pipes and other works, under and over any lands, water courses, railroads, railways and public or private ways, and along any ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes or other works, and for all other purposes of this act, said town may dig up any such lands, and may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon. The title to all lands taken or purchased under the provisions of this act shall vest in said town, and the land so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of the town.

May erect structures, lay pipes, etc.

Title to lands to vest in town, etc.

SECTION 3. Said town shall, within ninety days after the taking of any lands, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Suffolk a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, signed by the water commissioners hereinafter provided for.

Description of lands, etc., to be recorded.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any lands, rights of way or easements, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law in case of land taken for the laying out of highways, on making application at any time within the period of one year after the taking of such land or other property, or the doing of other injury under the authority of this act;

Damages.

but no such application shall be made after the expiration of said one year. When damages shall have been assessed in the manner herein provided, the petitioner shall be entitled to interest on the amount thereof, at the rate of five per cent per annum from the date of the actual entry and taking of possession by said town.

Town may
tender any
sum for
damages, etc.

SECTION 5. In every case of a petition to the superior court for an assessment of damages the town may tender to the complainant or his attorney any sum, or may bring the same into court to be paid to the complainant, for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed; and if the complainant does not accept such sum, with his costs up to that time, but proceeds in his suit and does not recover greater damages than were so offered or tendered, not including interest on the sum recovered in damages from the date of such offer or tender, the town shall have judgment for its costs after said date, for which execution shall issue; and the complainant, if he recovers damages, shall be allowed interest and costs only to the date of such offer or tender.

Town of
Winthrop
Water Loan.

SECTION 6. Said town, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, may incur indebtedness outside of the limit fixed by law; and may issue from time to time bonds, notes or scrip to an amount sufficient for such purpose, to be determined by a vote of the town at a legal meeting held for that purpose. Such bonds, notes or scrip shall bear on their face the words, Town of Winthrop Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, shall bear interest payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold or pledged for less than the par value thereof, but the premiums, if any, received on the sale of such bonds, notes or scrip shall be applied to the reduction of the principal of the debt.

Proviso.

SECTION 7. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required thereby shall be provided for and paid from the water rates as provided in section eight of this act, or if not so provided and paid the assessors of said town shall, without further vote, assess such required amount in the same manner as other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws.

Payment of
loan.

SECTION 8. The water commissioners hereinafter provided for shall fix such prices or rates for the use of water as shall produce annually an amount sufficient, as near as may be, to defray all current operating expenses, including therein maintenance and the annual payment to said metropolitan water and sewerage board, all interest charges and payments on account of the principal of said loan as provided in section seven of this act, and an additional amount of not more than three thousand dollars a year for new construction. If however the amount thus provided shall in any year be insufficient for the payment of the current operating expenses, including therein the annual payment to said metropolitan water and sewerage board, all interest charges and payments on account of the principal as provided in section seven of this act shall be paid by the town, which shall raise by taxation a sum sufficient to make up the deficit. Any net annual surplus over and above the payments above specified shall be applied toward the payment of the principal of said loan.

Payment of
expenses, etc.

SECTION 9. Said town shall after the acceptance of this act, at a legal meeting called for the purpose, which may be the meeting at which this act shall be accepted, or at a subsequent meeting, elect by ballot three persons, legal voters of said town, to be the board of water commissioners, and to hold office one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for a term of three years. Nominations for such commissioners shall be made, ballots and other apparatus for their election provided, and elections for such officers conducted, in accordance with the provisions of law appli-

Water com-
missioners;
election, terms,
etc.

cable to elections in towns which have voted for the use of official ballots. No person shall be elected commissioner who holds at the time any elective town office. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of all business relative to the water works, and they shall make a report to the town of all their doings annually or as often as the town may require. Any vacancy occurring in said board from any cause may be filled in the manner provided by section three hundred and sixty-one of chapter eleven of the Revised Laws. All contracts made by the commissioners shall be made in the name and behalf of the town, and no contract shall be made by them which involves the expenditure of money not already appropriated for the purpose by said town.

Quorum.

Vacancy.

Contracts.

Penalty for
corruption of
water, etc.

SECTION 10. Whoever without the consent of the town uses any water obtained or held by it under authority of this act, or wilfully or wantonly corrupts, pollutes or diverts any water obtained or held by said town pursuant to the provisions of this act, or destroys or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment for a term not exceeding one year.

Liability for
payment for
use of water.

SECTION 11. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner shall also be liable in case of non-payment by the occupant for all sums due for the use of water under this act, to be collected in an action of contract in the name of the town of Winthrop.

Revere Water
Company may
sell certain
property to
town of
Winthrop, etc.

SECTION 12. If within thirty days after this act shall have been accepted by the town of Winthrop, as herein-after provided, the Revere Water Company shall notify the selectmen of said town in writing that it desires to sell to said town any and all of its property situated within said town, used for supplying water to the town

or its inhabitants, and shall file with the town clerk of said town specifications and descriptions of said property, said town shall not proceed to construct a distributing system for the water to be supplied to it and its inhabitants under the authority of this act unless it shall first purchase of said company the property which the company has notified the town, as above provided, it desires to sell; and said company is authorized to make sale of said property to said town and said town is authorized to purchase the same and to manage and use the property thus acquired for the purposes and under the provisions of this act. Whenever said town by a majority vote of its legal voters present and voting thereon by ballot as described below in this section, at the special meeting, or at an annual town meeting, shall vote to purchase said property, notice of the desire of said company to sell the same having been given as hereinbefore provided, said company shall within thirty days after the vote aforesaid, execute and deliver to said town proper deeds and writings conveying to said town the property aforesaid, free and clear from all incumbrances; or if a title free and clear from incumbrances cannot be conveyed, there shall be given with such conveyance good and sufficient guaranty, with adequate security against such incumbrances. Said property shall thereupon become the property of said town and said town shall thereupon take possession of said property and operate the same and pay to said company the fair value thereof, to be ascertained as herein-after provided in section thirteen; and upon the delivery of such deeds and writings conveying title, and such guaranty and security, all rights of said company to furnish said town and its inhabitants with water shall cease. The said vote shall be taken by separate ballot, with the use of the voting list, and the polls shall be open at least four hours. The vote shall be "yes" or "no" in answer to the question printed upon the ballot: "Shall the town of Winthrop purchase the property of the Revere Water Company in the town of Winthrop used for supplying water to the town of Winthrop or its inhabitants?" In case said company fails to perform and observe all the terms set forth in this section, then said town may proceed to construct, operate and maintain a water supply system and furnish itself and its inhabitants with water as hereinbefore provided.

Revere Water Company may sell certain property to town of Winthrop, etc.

In case of agreement as to value of property, question of purchase to be submitted to town, etc.

In case of disagreement, etc., commissioners may be appointed to determine value of property, etc.

SECTION 13. If said board of water commissioners and said company after a conference shall agree upon the value of said property, the question of whether the town agrees to purchase at the price so agreed upon shall be submitted to said town at an annual town meeting or at a special meeting called for the purpose, and such price shall become binding as the purchase price upon a majority vote of the voters present and voting at such a meeting, the vote being taken by ballot with the use of the voting list. In case said board of water commissioners and said company shall be unable to agree upon the value of said property, or in case said town shall reject an agreement as to the value of said property made by said commission and said company, the supreme judicial court shall, upon application of either party and notice to the other, appoint three commissioners, one of whom shall be learned in the law and one a skilled engineer, who shall determine the fair value of said property for the purposes of its use by said town, and whose award, when accepted by the court, shall be final. Such value shall be estimated without enhancement on account of future earning capacity or good will, or on account of the franchise of said company; and such value shall not be increased or decreased by reason of the provisions of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five. Said company shall be entitled to recover interest upon the amount found due by the commissioners, from the date when said company ceases to supply water to said town and its inhabitants, at the rate of five per cent per annum.

When to take effect.

SECTION 14. This act, except as provided in section fifteen, shall take effect upon its acceptance by a majority vote of the voters of the town of Winthrop present and voting thereon at an annual town meeting, or at a special meeting called for the purpose within ninety days after the passage of this act.

Same subject.

SECTION 15. So much of this act as authorizes its submission to the legal voters of said town shall take effect upon its passage, but it shall not take further effect until accepted as hereinbefore provided by the legal voters of said town.

Approved May 26, 1905.

AN ACT TO APPORTION AND ASSESS A STATE TAX OF FOUR *Chap. 478*
MILLION DOLLARS.

Be it enacted, etc., as follows:

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the sum with which it stands charged in the following schedule, that is to say:—

State tax
apportioned
and assessed.

Abington, thirty-three hundred and sixty dollars, . . .	\$3,360 00
Acton, twenty-four hundred dollars,	2,400 00
Aenshnet, eight hundred and forty dollars,	840 00
Adams, seventy-five hundred and twenty dollars, . . .	7,520 00
Agawam, two thousand dollars,	2,000 00
Alford, two hundred and forty dollars,	240 00
Amesbury, seven thousand and forty dollars,	7,040 00
Amherst, forty-five hundred and sixty dollars,	4,560 00
Andover, seventy-eight hundred and forty dollars, . . .	7,840 00
Arlington, twelve thousand and eighty dollars,	12,080 00
Ashburnham, twelve hundred and eighty dollars,	1,280 00
Ashby, eight hundred and eighty dollars,	880 00
Ashfield, seven hundred and sixty dollars,	760 00
Ashland, twelve hundred and forty dollars,	1,240 00
Athol, fifty-six hundred and eighty dollars,	5,680 00
Attleborough, eleven thousand two hundred and eighty dollars,	11,280 00
Auburn, ten hundred and eighty dollars,	1,080 00
Avon, twelve hundred dollars,	1,200 00
Ayer, twenty-one hundred and twenty dollars,	2,120 00
Barnstable, sixty-two hundred dollars,	6,200 00
Barre, nineteen hundred and twenty dollars,	1,920 00
Becket, six hundred and forty dollars,	640 00
Bedford, fourteen hundred and eighty dollars,	1,480 00
Belchertown, eleven hundred and sixty dollars,	1,160 00
Bellingham, ten hundred and forty dollars,	1,040 00
Belmont, seventy-one hundred and sixty dollars,	7,160 00
Berkley, five hundred and sixty dollars,	560 00
Berlin, seven hundred and twenty dollars,	720 00
Bernardston, five hundred and sixty dollars,	560 00
Beverly, twenty-three thousand seven hundred and twenty dollars,	23,720 00
BillERICA, three thousand and forty dollars,	3,040 00
Blackstone, thirty-three hundred and sixty dollars, . . .	3,360 00
Blandford, five hundred and sixty dollars,	560 00
Bolton, six hundred and forty dollars,	640 00
Boston, one million four hundred forty thousand two hundred dollars,	1,440,200 00
Bourne, thirty-one hundred and sixty dollars,	3,160 00
Boxborough, two hundred and eighty dollars,	280 00
Boxford, twelve hundred and forty dollars,	1,240 00
Boylston, six hundred dollars,	600 00
Braintree, sixty-four hundred dollars,	6,400 00

State tax apportioned and assessed.	Brewster, seven hundred and twenty dollars, . . .	\$720 00
	Bridgewater, thirty-five hundred and twenty dollars, .	3,520 00
	Brimfield, five hundred and twenty dollars, . . .	520 00
	Brockton, thirty-nine thousand eight hundred and eighty dollars,	39,880 00
	Brookfield, seventeen hundred and sixty dollars, . .	1,760 00
	Brookline, one hundred and twelve thousand two hundred dollars,	112,200 00
	Buckland, eight hundred dollars,	800 00
	Burlington, six hundred and eighty dollars, . . .	680 00
	Cambridge, one hundred twenty-nine thousand two hundred and forty dollars,	129,240 00
	Canton, five thousand dollars,	5,000 00
	Carlisle, four hundred and eighty dollars,	480 00
	Carver, sixteen hundred and forty dollars,	1,640 00
	Charlemont, five hundred and twenty dollars, . . .	520 00
	Charlton, seventeen hundred and twenty dollars, . .	1,720 00
	Chatham, thirteen hundred and twenty dollars, . . .	1,320 00
	Chelmsford, thirty-eight hundred and eighty dollars, .	3,880 00
	Chelsea, thirty thousand five hundred and sixty dollars,	30,560 00
	Cheshire, nine hundred and twenty dollars,	920 00
	Chester, eight hundred and forty dollars,	840 00
	Chesterfield, four hundred dollars,	400 00
	Chicopee, thirteen thousand one hundred and twenty dollars,	13,120 00
	Chilmark, three hundred and twenty dollars,	320 00
	Clarksburg, four hundred dollars,	400 00
	Clinton, ten thousand three hundred and twenty dollars,	10,320 00
	Cohasset, eighty-three hundred and twenty dollars, .	8,320 00
	Colrain, eight hundred and eighty dollars,	880 00
	Concord, seven thousand and eighty dollars,	7,080 00
	Conway, nine hundred and twenty dollars,	920 00
	Cottage City, eighteen hundred and eighty dollars, .	1,880 00
	Cummington, four hundred dollars,	400 00
	Dalton, forty-three hundred and sixty dollars, . . .	4,360 00
	Dana, four hundred and eighty dollars,	480 00
	Danvers, sixty-eight hundred and eighty dollars, . .	6,880 00
	Dartmouth, thirty-eight hundred and eighty dollars, .	3,880 00
	Dedham, thirteen thousand three hundred and twenty dollars,	13,320 00
	Deerfield, eighteen hundred and eighty dollars, . . .	1,880 00
	Dennis, fifteen hundred and sixty dollars,	1,560 00
	Dighton, twelve hundred dollars,	1,200 00
	Douglas, fourteen hundred and forty dollars,	1,440 00
	Dover, thirteen hundred and twenty dollars,	1,320 00
	Dracont, twenty-six hundred and forty dollars, . . .	2,640 00
	Dudley, eighteen hundred and eighty dollars,	1,880 00
	Dunstable, four hundred dollars,	400 00
	Duxbury, twenty-three hundred and sixty dollars, . .	2,360 00
	East Bridgewater, twenty-three hundred and sixty dollars,	2,360 00
	East Longmeadow, seven hundred and twenty dollars,	720 00
	Eastham, four hundred and forty dollars,	440 00
	Easthampton, forty-seven hundred and twenty dollars,	4,720 00

Easton, sixty-six hundred and forty dollars, . . .	\$6,640 00	State tax apportioned and assessed.
Edgartown, eleven hundred and sixty dollars, . . .	1,160 00	
Egremont, six hundred dollars,	600 00	
Enfield, ten hundred and eighty dollars,	1,080 00	
Erving, seven hundred and sixty dollars,	760 00	
Essex, fourteen hundred and forty dollars,	1,440 00	
Everett, twenty-six thousand dollars,	26,000 00	
Fairhaven, thirty-eight hundred and forty dollars, . . .	3,840 00	
Fall River, ninety-seven thousand six hundred and forty dollars,	97,640 00	
Falmouth, ninety-nine hundred and twenty dollars, . .	9,920 00	
Fitchburg, thirty-two thousand four hundred and forty dollars,	32,440 00	
Florida, two hundred dollars,	200 00	
Foxborough, twenty-five hundred and twenty dollars, .	2,520 00	
Frammingham, twelve thousand four hundred and forty dollars,	12,440 00	
Franklin, forty-five hundred and twenty dollars, . . .	4,520 00	
Freetown, eleven hundred and twenty dollars,	1,120 00	
Gardner, eighty-four hundred dollars,	8,400 00	
Gay Head, forty dollars,	40 00	
Georgetown, twelve hundred and eighty dollars, . . .	1,280 00	
Gill, five hundred and sixty dollars,	560 00	
Gloucester, twenty-six thousand two hundred and eighty dollars,	26,280 00	
Goshen, two hundred dollars,	200 00	
Gosnold, two hundred and eighty dollars,	280 00	
Grafton, thirty-two hundred dollars,	3,200 00	
Granby, six hundred and forty dollars,	640 00	
Granville, five hundred and twenty dollars,	520 00	
Great Barrington, sixty-five hundred and sixty dollars,	6,560 00	
Greenfield, eighty-nine hundred and twenty dollars, .	8,920 00	
Greenwich, three hundred and twenty dollars,	320 00	
Groton, thirty-nine hundred and twenty dollars, . . .	3,920 00	
Groveland, fourteen hundred dollars,	1,400 00	
Hadley, fourteen hundred and eighty dollars,	1,480 00	
Halifax, four hundred dollars,	400 00	
Hamilton, thirty-six hundred dollars,	3,600 00	
Hampden, five hundred and twenty dollars,	520 00	
Hancock, three hundred and sixty dollars,	360 00	
Hanover, eighteen hundred and forty dollars,	1,840 00	
Hanson, nine hundred and sixty dollars,	960 00	
Hardwick, twenty-one hundred and twenty dollars, . .	2,120 00	
Harvard, fourteen hundred and forty dollars,	1,440 00	
Harwich, fifteen hundred and twenty dollars,	1,520 00	
Hatfield, seventeen hundred and twenty dollars, . . .	1,720 00	
Haverhill, thirty-four thousand two hundred and eighty dollars,	34,280 00	
Hawley, two hundred dollars,	200 00	
Heath, two hundred dollars,	200 00	
Hingham, fifty-eight hundred and eighty dollars, . .	5,880 00	
Hinsdale, eight hundred and forty dollars,	840 00	
Holbrook, eighteen hundred and eighty dollars, . . .	1,880 00	
Holden, eighteen hundred dollars,	1,800 00	

State tax apportioned and assessed.	Holland, eighty dollars,	\$80 00
	Holliston, two thousand and forty dollars,	2,040 00
	Holyoke, fifty-one thousand six hundred and forty dollars,	51,640 00
	Hopedale, sixty-one hundred and sixty dollars,	6,160 00
	Hopkinton, twenty-two hundred dollars,	2,200 00
	Hubbardston, eight hundred and forty dollars,	840 00
	Hudson, forty-four hundred and eighty dollars,	4,480 00
	Hull, forty-eight hundred and forty dollars,	4,840 00
	Huntington, eight hundred dollars,	800 00
	Hyde Park, fourteen thousand seven hundred and twenty dollars,	14,720 00
	Ipswich, fifty-two hundred dollars,	5,200 00
	Kingston, two thousand and forty dollars,	2,040 00
	Lakeville, eight hundred dollars,	800 00
	Lancaster, forty-three hundred and twenty dollars,	4,320 00
	Lanesborough, six hundred dollars,	600 00
	Lawrence, fifty-four thousand two hundred and eighty dollars,	54,280 00
	Lee, twenty-five hundred and sixty dollars,	2,560 00
	Leicester, thirty-two hundred dollars,	3,200 00
	Lenox, fifty-two hundred dollars,	5,200 00
	Leominster, eleven thousand eight hundred and forty dollars,	11,840 00
	Leverett, four hundred dollars,	400 00
	Lexington, seventy-four hundred and eighty dollars,	7,480 00
	Leyden, two hundred and eighty dollars,	280 00
	Lincoln, thirty-one hundred and twenty dollars,	3,120 00
	Littleton, twelve hundred and forty dollars,	1,240 00
	Longmeadow, thirteen hundred and twenty dollars,	1,320 00
	Lowell, ninety-two thousand eight hundred and eighty dollars,	92,880 00
	Ludlow, twenty-nine hundred and twenty dollars,	2,920 00
	Lunenburg, eleven hundred and sixty dollars,	1,160 00
	Lynn, sixty-nine thousand three hundred and twenty dollars,	69,320 00
	Lynnfield, nine hundred and twenty dollars,	920 00
	Malden, thirty-nine thousand five hundred and sixty dollars,	39,560 00
	Manchester, thirteen thousand six hundred and eighty dollars,	13,680 00
	Mansfield, twenty-seven hundred and sixty dollars,	2,760 00
	Marblehead, eighty-eight hundred and eighty dollars,	8,880 00
	Marion, eighteen hundred and eighty dollars,	1,880 00
	Marlborough, twelve thousand two hundred and forty dollars,	12,240 00
	Marshfield, two thousand and eighty dollars,	2,080 00
	Mashpee, two hundred and forty dollars,	240 00
	Mattapoisett, twenty-one hundred and sixty dollars,	2,160 00
	Maynard, forty-one hundred and sixty dollars,	4,160 00
	Medfield, two thousand dollars,	2,000 00
	Medford, twenty-five thousand nine hundred and twenty dollars,	25,920 00
	Medway, eighteen hundred and forty dollars,	1,840 00

Melrose, eighteen thousand six hundred dollars, . . .	\$18,600 00	State tax apportioned and assessed.
Mendon, eight hundred dollars,	800 00	
Merrimac, sixteen hundred and eighty dollars, . . .	1,680 00	
Methuen, sixty-four hundred and forty dollars, . . .	6,440 00	
Middleborough, fifty-six hundred and forty dollars, . .	5,640 00	
Middlefield, two hundred and forty dollars,	240 00	
Middleton, seven hundred and sixty dollars,	760 00	
Milford, eighty-two hundred and forty dollars,	8,240 00	
Millbury, twenty-nine hundred and twenty dollars, . .	2,920 00	
Millis, eight hundred and eighty dollars,	880 00	
Milton, twenty-eight thousand and forty dollars, . . .	28,040 00	
Monroe, two hundred dollars,	200 00	
Monson, twenty-six hundred and eighty dollars,	2,680 00	
Montague, forty-nine hundred and sixty dollars, . . .	4,960 00	
Monterey, three hundred and twenty dollars,	320 00	
Montgomery, one hundred and sixty dollars,	160 00	
Mount Washington, one hundred and twenty dollars, . .	120 00	
Nahant, eighty-two hundred dollars,	8,200 00	
Nantucket, forty-one hundred and sixty dollars,	4,160 00	
Natick, eighty-one hundred and sixty dollars,	8,160 00	
Needham, five thousand and eighty dollars,	5,080 00	
New Ashford, eighty dollars,	80 00	
New Bedford, seventy-nine thousand four hundred dollars,	79,400 00	
New Braintree, five hundred and twenty dollars,	520 00	
New Marlborough, seven hundred and twenty dollars, . .	720 00	
New Salem, four hundred and forty dollars,	440 00	
Newbury, fifteen hundred and sixty dollars,	1,560 00	
Newburyport, fourteen thousand one hundred and sixty dollars,	14,160 00	
Newton, eighty thousand four hundred dollars,	80,400 00	
Norfolk, eight hundred dollars,	800 00	
North Adams, eighteen thousand eight hundred and eighty dollars,	18,880 00	
North Andover, sixty-five hundred and sixty dollars, . .	6,560 00	
North Attleborough, fifty-four hundred and forty dol- lars,	5,440 00	
North Brookfield, twenty-one hundred and sixty dollars, .	2,160 00	
North Reading, eight hundred and forty dollars,	840 00	
Northampton, sixteen thousand two hundred and forty dollars,	16,240 00	
Northborough, sixteen hundred and eighty dollars, . . .	1,680 00	
Northbridge, sixty-one hundred and sixty dollars, . . .	6,160 00	
Northfield, sixteen hundred dollars,	1,600 00	
Norton, twelve hundred and eighty dollars,	1,280 00	
Norwell, fifteen hundred and sixty dollars,	1,560 00	
Norwood, sixty-four hundred and eighty dollars,	6,480 00	
Oakham, four hundred and forty dollars,	440 00	
Orange, forty-six hundred and forty dollars,	4,640 00	
Orleans, eight hundred and forty dollars,	840 00	
Otis, three hundred and twenty dollars,	320 00	
Oxford, twenty-two hundred dollars,	2,200 00	
Palmer, forty-two hundred and forty dollars,	4,240 00	
Paxton, three hundred and sixty dollars,	360 00	

State tax
apportioned
and assessed.

Peabody, ten thousand five hundred and sixty dollars,	\$10,560 00
Pelham, two hundred and eighty dollars,	280 00
Pembroke, ten hundred and eighty dollars,	1,080 00
Pepperell, twenty-eight hundred and forty dollars, . .	2,840 00
Peru, one hundred and sixty dollars,	160 00
Petersham, eight hundred and eighty dollars,	880 00
Phillipston, three hundred and sixty dollars,	360 00
Pittsfield, twenty-two thousand one hundred and twenty dollars,	22,120 00
Plainfield, two hundred and forty dollars,	240 00
Plymouth, eleven thousand eight hundred dollars, . .	11,800 00
Plympton, four hundred and forty dollars,	440 00
Prescott, two hundred and forty dollars,	240 00
Princeton, eleven hundred and twenty dollars,	1,120 00
Provincetown, twenty-six hundred dollars,	2,600 00
Quincy, twenty-eight thousand eight hundred and eighty dollars,	28,880 00
Randolph, twenty-nine hundred and twenty dollars, . .	2,920 00
Raynham, ten hundred and eighty dollars,	1,080 00
Reading, fifty-eight hundred and forty dollars,	5,840 00
Rehoboth, ten hundred and forty dollars,	1,040 00
Revere, fourteen thousand one hundred and sixty dol- lars,	14,160 00
Richmond, four hundred and forty dollars,	440 00
Rochester, six hundred and forty dollars,	640 00
Rockland, forty-three hundred and sixty dollars, . . .	4,360 00
Rockport, thirty-seven hundred and sixty dollars, . .	3,760 00
Rowe, two hundred and forty dollars,	240 00
Rowley, one thousand dollars,	1,000 00
Royalston, seven hundred and sixty dollars,	760 00
Russell, six hundred and forty dollars,	640 00
Rutland, eight hundred and eighty dollars,	880 00
Salem, thirty-eight thousand and eighty dollars, . . .	38,080 00
Salisbury, ten hundred and forty dollars,	1,040 00
Sandisfield, four hundred dollars,	400 00
Sandwich, twelve hundred and forty dollars,	1,240 00
Saugus, fifty-one hundred and sixty dollars,	5,160 00
Savoy, two hundred and forty dollars,	240 00
Scituate, thirty-nine hundred and sixty dollars, . . .	3,960 00
Seekonk, twelve hundred and eighty dollars,	1,280 00
Sharon, twenty-four hundred and forty dollars, . . .	2,440 00
Sheffield, twelve hundred and forty dollars,	1,240 00
Shelburne, twelve hundred dollars,	1,200 00
Sherborn, ten hundred and forty dollars,	1,040 00
Shirley, twelve hundred dollars,	1,200 00
Shrewsbury, sixteen hundred and eighty dollars, . . .	1,680 00
Shutesbury, two hundred and forty dollars,	240 00
Somerset, fourteen hundred and eighty dollars,	1,480 00
Somerville, seventy thousand four hundred dollars, . .	70,400 00
South Hadley, thirty-six hundred and forty dollars, . .	3,640 00
Southampton, six hundred and forty dollars,	640 00
Southborough, twenty-two hundred and forty dollars, .	2,240 00
Southbridge, sixty-eight hundred and forty dollars, . .	6,840 00

Southwick, six hundred and eighty dollars, . . .	\$680 00	State tax apportioned and assessed.
Spencer, five thousand dollars,	5,000 00	
Springfield, ninety-eight thousand nine hundred and sixty dollars,	98,960 00	
Sterling, eleven hundred and twenty dollars, . . .	1,120 00	
Stockbridge, forty-four hundred and forty dollars, .	4,440 00	
Stoneham, sixty-three hundred and sixty dollars, .	6,360 00	
Stoughton, forty-two hundred and forty dollars, . .	4,240 00	
Stow, one thousand dollars,	1,000 00	
Sturbridge, twelve hundred and eighty dollars, . .	1,280 00	
Sudbury, fifteen hundred and twenty dollars, . . .	1,520 00	
Sunderland, six hundred and forty dollars,	640 00	
Sutton, sixteen hundred and forty dollars,	1,640 00	
Swampscott, twelve thousand two hundred dollars, .	12,200 00	
Swansea, sixteen hundred dollars,	1,600 00	
Taunton, twenty-nine thousand one hundred and sixty dollars,	29,160 00	
Templeton, two thousand and eighty dollars, . . .	2,080 00	
Tewksbury, twenty-two hundred and forty dollars, .	2,240 00	
Tisbury, thirteen hundred and twenty dollars, . . .	1,320 00	
Tolland, two hundred dollars,	200 00	
Topsfield, thirteen hundred and twenty dollars, . .	1,320 00	
Townsend, fifteen hundred and sixty dollars, . . .	1,560 00	
Truro, four hundred and eighty dollars,	480 00	
Tyngsborough, six hundred and forty dollars, . . .	640 00	
Tyringham, two hundred and eighty dollars, . . .	280 00	
Upton, fourteen hundred and forty dollars,	1,440 00	
Uxbridge, thirty-four hundred and eighty dollars, .	3,480 00	
Wakefield, ten thousand one hundred and sixty dollars,	10,160 00	
Wales, four hundred dollars,	400 00	
Walpole, thirty-eight hundred dollars,	3,800 00	
Waltham, twenty-seven thousand seven hundred and sixty dollars,	27,760 00	
Ware, six thousand dollars,	6,000 00	
Wareham, thirty-seven hundred and twenty dollars, .	3,720 00	
Warren, twenty-six hundred and forty dollars, . . .	2,640 00	
Warwick, four hundred dollars,	400 00	
Washington, three hundred and twenty dollars, . .	320 00	
Watertown, fifteen thousand one hundred and twenty dollars,	15,120 00	
Wayland, twenty-three hundred and twenty dollars, .	2,320 00	
Webster, eighty-four hundred and forty dollars, . .	8,440 00	
Wellesley, thirteen thousand three hundred and twenty dollars,	13,320 00	
Wellfleet, twelve hundred dollars,	1,200 00	
Wendell, three hundred and twenty dollars,	320 00	
Wenham, forty-one hundred and sixty dollars, . . .	4,160 00	
West Boylston, one thousand dollars,	1,000 00	
West Bridgewater, fourteen hundred dollars, . . .	1,400 00	
West Brookfield, eleven hundred and twenty dollars, .	1,120 00	
West Newbury, fourteen hundred dollars,	1,400 00	
West Springfield, seventy-three hundred and sixty dollars,	7,360 00	

State tax
apportioned
and assessed.

West Stockbridge, five hundred and sixty dollars, . . .	\$560 00
West Tisbury, five hundred and twenty dollars, . . .	520 00
Westborough, thirty-seven hundred and sixty dollars, . . .	3,760 00
Westfield, eleven thousand three hundred and sixty dollars,	11,360 00
Westford, twenty-four hundred and forty dollars, . . .	2,440 00
Westhampton, three hundred and twenty dollars, . . .	320 00
Westminster, one thousand dollars,	1,000 00
Weston, seventy-seven hundred and twenty dollars, . . .	7,720 00
Westport, twenty-one hundred and sixty dollars, . . .	2,160 00
Westwood, twenty-five hundred and twenty dollars, . . .	2,520 00
Weymouth, eighty-nine hundred and sixty dollars, . . .	8,960 00
Whately, six hundred dollars,	600 00
Whitman, forty-nine hundred and sixty dollars, . . .	4,960 00
Wilbraham, twelve hundred and eighty dollars, . . .	1,280 00
Williamsburg, twelve hundred dollars,	1,200 00
Williamstown, thirty-five hundred and twenty dollars, . . .	3,520 00
Wilmington, fourteen hundred and eighty dollars, . . .	1,480 00
Winchendon, thirty-eight hundred and forty dollars, . . .	3,840 00
Winchester, twelve thousand five hundred and twenty dollars,	12,520 00
Windsor, two hundred and eighty dollars,	280 00
Winthrop, ten thousand one hundred and sixty dollars, . . .	10,160 00
Woburn, thirteen thousand eight hundred and eighty dollars,	13,880 00
Worcester, one hundred and fifty-five thousand one hundred and sixty dollars,	155,160 00
Worthington, four hundred dollars,	400 00
Wrentham, twenty-one hundred and sixty dollars, . . .	2,160 00
Yarmouth, twenty-four hundred dollars,	2,400 00

Treasurer to
issue warrant.

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of section thirty-four of chapter twelve of the Revised Laws, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city and town.

Payment of
assessments.

SECTION 3. The treasurer of the Commonwealth in his warrant shall require the said selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the tenth day of December in the year nineteen hundred and five, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the treasurer of the

Commonwealth at some time before the first day of October in the year nineteen hundred and five.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per cent per month during such delinquency from and after the tenth day of December in the year nineteen hundred and five; and if the same remains unpaid after the first day of January in the year nineteen hundred and six, an information may be filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

SECTION 5. This act shall take effect upon its passage.

Approved May 26, 1905.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY SINKING FUNDS. Chap. 479

Be it enacted, etc., as follows:

SECTION 1. The amounts hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to make good deficiencies in certain sinking funds, being the estimates of the treasurer and receiver general, to wit:—

For the Harbor Improvement Loan Sinking Fund, the sum of four thousand one hundred and fifty-seven dollars.

For the Medfield Insane Asylum Loan Sinking Fund, the sum of thirty thousand one hundred and sixty dollars.

For the Prisons and Hospitals Loan Sinking Fund, the sum of fifty-three thousand and seventy-nine dollars.

For the State Highway Loan Sinking Fund, the sum of ninety thousand nine hundred and sixty-six dollars.

For the State House Loans Sinking Fund, the sum of ninety-three thousand eight hundred and forty-three dollars.

Notice to
treasurer of
delinquent
cities and
towns.

Appropriations.

Harbor
Improvement
Loan Sinking
Fund.

Medfield
Insane Asylum
Loan Sinking
Fund.

Prisons and
Hospitals
Loan Sinking
Fund.

State Highway
Loan Sinking
Fund.

State House
Loans Sinking
Fund.

Massachusetts
War Loan
Sinking Fund.

For the Massachusetts War Loan Sinking Fund, the sum of twenty-three thousand seven hundred and twenty-seven dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1905.

Chap. 480 AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR SUNDRY AND MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as otherwise provided herein, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit: —

Dredging part of Lewis bay in Yarmouth.

For dredging the easterly part of Lewis bay in the town of Yarmouth, as authorized by chapter three hundred and ninety-five of the acts of the present year, a sum not exceeding three thousand dollars.

Improving mouth of Herring river in Harwich.

For improving the mouth of Herring river in the town of Harwich, as authorized by chapter three hundred and ninety-nine of the acts of the present year, a sum not exceeding ten thousand dollars.

Expenses of committee to consider, etc., memorial to Chevalier de St. Sauveur.

For the expenses of a committee to consider and report relative to a memorial of Chevalier de St. Sauveur, as authorized by chapter seventy-two of the resolves of the present year, a sum not exceeding two hundred dollars.

Investigation, etc., as to propagation of oysters.

For the expenses of an investigation and report by the commissioners on fisheries and game as to the propagation of oysters, as authorized by chapter seventy-three of the resolves of the present year, a sum not exceeding five hundred dollars.

New England Industrial School for Deaf Mutes.

For the New England Industrial School for Deaf Mutes, as authorized by chapter seventy-four of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Exhibition of methods of treating, etc., tuberculosis.

For the expenses of an exhibition of means and methods of treating and preventing tuberculosis, as authorized by chapter seventy-five of the resolves of the present year, a sum not exceeding two thousand dollars.

Testimonials to soldiers and sailors who served in Spanish war.

For testimonials to soldiers and sailors who served in the Spanish war, as authorized by chapter seventy-six of

the resolves of the present year, a sum not exceeding five hundred dollars.

To provide for an additional building at the Soldiers' Home in Massachusetts, as authorized by chapter seventy-seven of the resolves of the present year, the sum of fifty thousand dollars.

Additional building at the Soldiers' Home in Massachusetts.

For an investigation and report as to the propagation of quahaugs, as authorized by chapter seventy-eight of the resolves of the present year, a sum not exceeding five hundred dollars.

Investigation, etc., as to propagation of quahaugs.

For certain additions and improvements at the Massachusetts Agricultural College, as authorized by chapter seventy-nine of the resolves of the present year, a sum not exceeding fifty-two thousand six hundred and fifty dollars.

Massachusetts Agricultural College.

For new boilers and a reconstruction of the heating plant at the state farm, as authorized by chapter eighty-one of the resolves of the present year, a sum not exceeding twelve thousand dollars, to be paid out of the State Farm Industries Fund.

State farm.

To provide for the laying of a conduit at the Lyman school for boys, as authorized by chapter eighty-two of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

Lyman school for boys.

For certain repairs at the state industrial school for girls, as authorized by chapter eighty-three of the resolves of the present year, a sum not exceeding sixty-three hundred dollars.

State industrial school for girls.

For certain repairs and improvements at the Grafton colony of the Worcester insane asylum, as authorized by chapter eighty-four of the resolves of the present year, a sum not exceeding twenty-five thousand dollars.

Grafton colony of the Worcester insane asylum.

For certain improvements at the Massachusetts School for the Feeble-Minded, as authorized by chapter eighty-five of the resolves of the present year, a sum not exceeding twenty-two thousand dollars.

Massachusetts School for the Feeble-Minded.

For certain improvements at the Massachusetts hospital for epileptics, as authorized by chapter eighty-six of the resolves of the present year, a sum not exceeding five thousand dollars.

Massachusetts hospital for epileptics.

For furnishing new buildings at the Grafton colony of the Worcester insane asylum, as authorized by chapter eighty-seven of the resolves of the present year, a sum not exceeding seven thousand dollars.

Grafton colony of Worcester insane asylum.

State colony
for the insane.

For certain repairs and improvements at the state colony for the insane, as authorized by chapter eighty-eight of the resolves of the present year, a sum not exceeding thirteen thousand dollars.

Worcester
insane asylum.

For certain improvements at the Worcester insane asylum, as authorized by chapter eighty-nine of the resolves of the present year, a sum not exceeding nine thousand dollars, to be paid out of the Worcester Insane Asylum Fund.

Support of
certain feeble-
minded
persons, etc.

For expenses in connection with the support of certain feeble-minded persons and children having residence in certain small towns, as authorized by chapter two hundred and eighty-two of the acts of the present year, a sum not exceeding fifteen hundred dollars.

Sign boards
on state
highways.

For expenses in connection with furnishing, erecting and maintaining sign boards on state highways by the Massachusetts highway commission, as provided for by chapter three hundred and sixty-six of the acts of the present year, a sum not exceeding two thousand dollars.

Additions to
and enlarge-
ment of Mount
Tom state
reservation.

For additions to and enlargement of the Mount Tom state reservation, as authorized by chapter four hundred and thirteen of the acts of the present year, the sum of ten thousand dollars.

Minor wards.

For salaries and expenses in the division of minor wards, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Care, etc., of
indigent and
neglected
children, etc.

For the care and maintenance of indigent and neglected children and juvenile offenders, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

State pauper
infants.

For the support of state pauper infants, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Expenses of
supreme
judicial court.

For expenses of the supreme judicial court, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Danvers in-
sane hospital.

For certain improvements at the Danvers insane hospital, as authorized by chapter ninety of the resolves of the present year, a sum not exceeding sixteen thousand five hundred dollars, to be paid out of the Danvers Insane Hospital Fund.

To provide for certain improvements at the Worcester insane hospital, as authorized by chapter ninety-one of the resolves of the present year, a sum not exceeding six thousand dollars, to be paid out of the Worcester Insane Hospital Fund. Worcester insane hospital.

For certain repairs and improvements at the state farm, as authorized by chapter ninety-two of the resolves of the present year, a sum not exceeding eight thousand dollars. State farm.

For a survey by the commissioners on fisheries and game of an area available for the propagation of clams, as authorized by chapter ninety-three of the resolves of the present year, a sum not exceeding five hundred dollars. Propagation of clams.

For the compensation and expenses of a commission to consider the needs for technical education in the different grades of industrial skill and responsibility, as authorized by chapter ninety-four of the resolves of the present year, a sum not exceeding fifteen thousand dollars. Compensation, etc., of commission to consider needs of technical education, etc.

For completing the equipment and for grading the grounds of the Lowell textile school, as authorized by chapter ninety-five of the resolves of the present year, the sum of thirty-four thousand dollars. Lowell textile school.

For expenses of a commission to investigate the desirability of establishing a memorial reservation on the Daniel Webster homestead at Marshfield, as authorized by chapter ninety-six of the resolves of the present year, a sum not exceeding two hundred dollars. Expenses of commission to investigate desirability of establishing a memorial reservation on the Daniel Webster homestead.

For the representation of Massachusetts at the Lewis and Clark Exposition, as authorized by chapter ninety-seven of the resolves of the present year, a sum not exceeding forty-five hundred dollars. Representation of Massachusetts at the Lewis and Clark Exposition.

For the estate of John P. Whalen, as authorized by chapter ninety-nine of the resolves of the present year, the sum of six hundred and fifty dollars. Estate of John P. Whalen.

For improving the channel of Paskamansett river in the town of Dartmouth, as authorized by chapter four hundred and forty-nine of the acts of the present year, a sum not exceeding two thousand dollars. Improving channel of Paskamansett river.

For the improvement of the harbor in the island at Cuttyhunk, as authorized by chapter four hundred and fifty of the acts of the present year, a sum not exceeding five thousand dollars. Improvement of harbor in island of Cuttyhunk.

For improving Nantucket harbor, as authorized by chapter four hundred and fifty-one of the acts of the present year, a sum not exceeding five thousand dollars. Improving Nantucket harbor.

Dredging
easterly shore
of Dorchester
district of
Boston.

For dredging the easterly shore of the Dorchester district in the city of Boston, as authorized by chapter four hundred and fifty-three of the acts of the present year, a sum not exceeding five thousand dollars.

Expenses in
department of
district police.

For postage, printing, stationery, telephone, telegraph, incidental and contingent office expenses in the department of the district police, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Investigation
of price of
gas, etc.

For expenses in connection with an investigation and report relative to the price of gas and to the rate of dividends to stockholders of gas companies, as authorized by chapter one hundred and one of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Taunton In-
sane hospital.

For certain improvements at the Taunton insane hospital, as authorized by chapter one hundred and two of the resolves of the present year, a sum not exceeding thirty-six thousand and fifty-five dollars.

Medfield
insane asylum.

For certain improvements at the Medfield insane asylum, as authorized by chapter one hundred and four of the resolves of the present year, a sum not exceeding thirty-nine thousand dollars, to be paid out of the Medfield Insane Asylum Fund.

Construction
of a break-
water in Vine-
yard Haven
harbor.

For the construction of a breakwater in Vineyard Haven harbor, as authorized by chapter four hundred and forty-two of the acts of the present year, a sum not exceeding ten thousand dollars.

Salary of chief
fire inspector
of district
police.

For the salary of the chief fire inspector of the district police, as authorized by chapter four hundred and sixty-one of the acts of the present year, the sum of three hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Dredging
flats in Boston
harbor near
Jeffries Point.

To provide for dredging the flats in Boston harbor near Jeffries Point, as authorized by chapter four hundred and sixty-three of the acts of the present year, a sum not exceeding ten thousand dollars.

Militia
compensation.

For compensation of officers and men of the volunteer militia, as authorized by chapter four hundred and sixty-five of the acts of the present year, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Instruction
in riding to
militia.

For the purpose of giving instruction in riding to officers required by the militia laws to be mounted, to non-commissioned officers and others, as authorized by chapter

four hundred and sixty-five of the acts of the present year, a sum not exceeding two thousand dollars.

For furnishing four new armories to be completed this year at Marlborough, Brockton, Gloucester and Haverhill, as authorized by chapter four hundred and sixty-five of the acts of the present year, a sum not exceeding six thousand dollars.

Furnishing new armories.

For such additional clerical assistance as the adjutant general may find necessary, and for the compensation of employees at the state arsenal, as authorized by chapter four hundred and sixty-five of the acts of the present year, a sum not exceeding twelve hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Adjutant general, additional clerical assistance, etc.

To provide for the care and treatment of persons infected by leprosy, as authorized by chapter four hundred and seventy-four of the acts of the present year, a sum not exceeding fifty thousand dollars.

Care, etc., of persons infected with leprosy.

For expenses in connection with an investigation relative to the establishment of a branch state prison on Nashawena island, as authorized by chapter one hundred and six of the resolves of the present year, a sum not exceeding five thousand dollars.

Investigation relative to establishing a branch state prison on Nashawena island.

For expenses relative to the Jamestown Ter-centennial Exposition, as authorized by chapter one hundred and seven of the resolves of the present year, a sum not exceeding one thousand dollars, to be paid from the appropriation made for the Louisiana Purchase Exposition.

Jamestown Ter-centennial Exposition.

For the purpose of completing a stone breakwater off the town of Revere, as authorized by chapter one hundred and eight of the resolves of the present year, a sum not exceeding twenty-five thousand dollars.

Completion of breakwater off town of Revere.

SECTION 2. This act shall take effect upon its passage.

Approved May 26, 1905.

RESOLVES.

- Chap.* 1 RESOLVE TO EXTEND THE TIME WITHIN WHICH REPORT SHALL BE MADE BY THE COMMISSION APPOINTED TO PREPARE A REGISTER OF THE ADULT BLIND AND TO INVESTIGATE AND REPORT AS TO THEIR INDUSTRIAL TRAINING.

Extending the time within which report may be made by the commission to prepare a register of the adult blind.

Resolved, That the time within which the commission appointed to prepare a complete register of the adult blind and for other purposes, which was constituted by chapter eighty-seven of the resolves of the year nineteen hundred and four, is required to report to the general court is hereby extended until the fifteenth day of January in the year nineteen hundred and six; and the chief of the bureau of statistics of labor is hereby empowered and instructed to aid the commission in its preparation of a register of the adult blind by furnishing it, upon its request, with the names, addresses and such other facts concerning the adult blind as may be recorded by the enumerators in taking the decennial census in the year nineteen hundred and five. *Approved January 16, 1905.*

- Chap.* 2 RESOLVE RELATIVE TO THE PUBLICATION OF THE BULLETIN OF COMMITTEE HEARINGS.

Publication of bulletin of committee hearings.

Resolved, That the publication of the bulletin of committee hearings shall be under the control of the joint committee on rules, who shall appoint the editor thereof and fix his compensation. The bills for editing and printing the bulletin shall be approved by the senate or house chairman of the joint committee on rules before being filed in the auditor's office for allowance. The sergeant-at-arms shall mail copies of the bulletin to persons making application therefor, on payment of the sum of two dollars. All sums of money received for the bulletin shall be paid to the treasurer of the Commonwealth once in every month. *Approved January 23, 1905.*

RESOLVE TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO BORROW MONEY IN ANTICIPATION OF REVENUE. *Chap. 3*

Resolved, That, in anticipation of the receipts of the present year, the treasurer and receiver general is hereby authorized to borrow, at any time before the expiration of fifteen days after the meeting of the next general court, such sums of money as may from time to time be necessary for the payment of ordinary demands on the treasury, at such rates of interest as shall be found necessary; and that he shall repay any sums borrowed under this resolve as soon as money sufficient for the purpose, and not otherwise appropriated, is received into the treasury.

Treasurer may borrow money in anticipation of revenue.

Approved January 26, 1905.

RESOLVE TO CONFIRM THE ACTS OF ADONIRAM E. VINING AS A JUSTICE OF THE PEACE. *Chap. 4*

Resolved, That the acts of Adoniram E. Vining as a justice of the peace, between the first day of July and the second day of December in the year nineteen hundred and four, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Acts of Adoniram E. Vining, justice of the peace, confirmed.

Approved February 9, 1905.

RESOLVE TO CONFIRM THE ACTS OF MILTON H. WILLIAMS AS A JUSTICE OF THE PEACE. *Chap. 5*

Resolved, That the acts of Milton H. Williams of Sunderland as a justice of the peace, between the twenty-seventh day of November in the year nineteen hundred and one and the twenty-ninth day of November in the year nineteen hundred and four, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Acts of Milton H. Williams, justice of the peace, confirmed.

Approved February 9, 1905.

RESOLVE TO CONFIRM CERTAIN ACTS OF JOHN INGRAM AS A NOTARY PUBLIC. *Chap. 6*

Resolved, That the acts of John Ingram as a notary public, between the seventeenth day of December in the year nineteen hundred and three and the tenth day of

Acts of John Ingram, notary public, confirmed.

January in the year nineteen hundred and five, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Approved February 9, 1905.

Chap. 7 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE
MEDFIELD INSANE ASYLUM.

Medfield
insane asylum.

Resolved, That the trustees of the Medfield insane asylum are hereby authorized to expend out of the Medfield Insane Asylum Fund a sum not exceeding twelve thousand dollars, for completing the work of removing the pump plant to the new power house, for electrical machinery, and for improving the grounds, the same to be in addition to the eleven thousand dollars authorized for the same purpose by chapter sixty of the resolves of the year nineteen hundred and four.

Approved February 15, 1905.

Chap. 8 RESOLVE RELATIVE TO THE APPOINTMENT OF A COMMITTEE
TO CONSIDER THE MATTER OF ERECTING A PUBLIC MEMO-
RIAL TO THE LATE GEORGE FRISBIE HOAR.

Committee to
consider the
matter of
erecting a
memorial to
the late Senator
Hoar.

Resolved, That the governor of the Commonwealth, with the advice and consent of the council, is hereby authorized to appoint a committee of three persons, citizens of the Commonwealth, one of whom he shall designate as chairman, and all of whom shall serve without compensation, to consider the matter of erecting a public memorial to the late George Frisbie Hoar, and to recommend to the next general court such legislation as it may deem proper concerning the location, character and cost of such memorial.

Approved February 23, 1905.

Chap. 9 RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE
AND EAR INFIRMARY.

Massachusetts
Charitable Eye
and Ear
Infirmary.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Massachusetts Charitable Eye and Ear Infirmary the sum of thirty thousand dollars, to be expended under the direction of the managers thereof for the charitable purposes of the said infirmary during the year nineteen hundred and five.

Approved February 24, 1905.

RESOLVE IN FAVOR OF HERBERT H. CHURCHILL.

Chap. 10

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and seventy-five dollars to Herbert H. Churchill, in full compensation for the loss sustained by him by the death of a horse and by expenses in connection therewith, the said horse having been let by said Churchill to trooper A. F. Pearson of company A, first battalion of cavalry, Massachusetts volunteer militia, and having been killed on account of injuries received by the horse while being ridden under military orders at South Framingham on the sixteenth day of July in the year nineteen hundred and four.

Herbert H.
Churchill.*Approved February 24, 1905.*

RESOLVE IN FAVOR OF LEMUEL D. BURR AND ANNA BURR.

Chap. 11

Resolved, That there be allowed and paid out of the treasury of the Commonwealth from the ordinary revenue the sum of one hundred and fifty dollars, to Lemuel D. Burr and Anna Burr, children of the late Lemuel Burr of Cambridge, who was a member of the Ponkapoag tribe of Indians, for their support.

Lemuel D.
Burr and
Anna Burr.*Approved February 24, 1905.*

RESOLVE TO AUTHORIZE THE COLLECTION OF STATISTICS IN REGARD TO DAMAGE CAUSED TO FOOD FISH BY PREDATORY FISH.

Chap. 12

Whereas, There is pending in congress a bill to provide for the extermination of the dog-fish and other predatory fish; and

Collection of
statistics in
regard to
damage to
food fish, etc.

Whereas, To secure favorable action upon said bill, it is necessary that evidence of the damage caused by these fish be prepared and presented in proper form;

Now, therefore, be it *Resolved,* That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to be expended under the direction of the commissioners on fisheries and game, for the purpose of collecting, preparing and printing evidence and statistics in regard to the damage caused to the fishing industry of the state by dog-fish, so-called, and by other fish which prey upon food fish.

Approved February 27, 1905.

Chap. 13 RESOLVE TO AUTHORIZE THE CAPE COD PILGRIM MEMORIAL ASSOCIATION TO RECEIVE AND EXPEND AN ADDITIONAL SUM OF MONEY.

Cape Cod Pilgrim Memorial Association may receive, etc., an additional sum of money.

Resolved, That the Cape Cod Pilgrim Memorial Association, for the erection of its memorial at Provincetown, may receive from any source any appropriations or contributions of money exceeding in amount the combined sum which in chapter one hundred and twenty-seven of the resolves of the year nineteen hundred and two was estimated as sufficient to pay the probable cost of said memorial, in case said association shall deem such increased sum necessary for its purpose; and said association may at any time receive contributions of money from the United States of America in such amounts and upon such terms and conditions as shall be determined by the senate and house of representatives of the United States of America, in congress assembled, especially in regard to the approval of the design of the memorial and the supervision of the expenditure of the money for the erection of the same, anything to the contrary in said chapter one hundred and twenty-seven notwithstanding.

Approved February 27, 1905.

Chap. 14 RESOLVE RELATIVE TO EXPENDITURES BY OFFICIALS OF THE COMMONWEALTH AND HEADS OF DEPARTMENTS.

Expenditures by officials of the Commonwealth, etc.

Resolved, That heads of departments and officials having supervision of or charge of expenditures in behalf of the Commonwealth for which no appropriations have been made, are hereby authorized to continue the several departments of service under their charge during the month of February, until such appropriations are made therefor or the pleasure of the present general court in respect thereto is made known. *Approved February 27, 1905.*

Chap. 15 RESOLVE RELATIVE TO COMPILING, INDEXING AND PUBLISHING THE RECORDS OF MASSACHUSETTS SOLDIERS AND SAILORS WHO SERVED IN THE REVOLUTIONARY WAR.

Revolutionary war records.

Resolved, That the secretary of the Commonwealth is hereby authorized and directed to continue the preparation and publication of an indexed compilation of the records of the Massachusetts soldiers and sailors who

served in the army and navy during the revolutionary war, as shown by the archives in the office of the secretary of the Commonwealth, and that he may expend therefor a sum not exceeding five thousand dollars.

Approved February 28, 1905.

RESOLVE TO GRANT TO ROBERT TREAT PAINE CERTAIN RIGHTS AND EASEMENTS IN A PORTION OF AN ESTATE ON MOUNT VERNON STREET IN THE CITY OF BOSTON.

Chap. 16

Resolved, That the Commonwealth of Massachusetts hereby grants and releases to Robert Treat Paine of Boston, owner of the estate numbered sixteen on Mount Vernon street in Boston, extending from said street to Mount Vernon place, and to his heirs and assigns, all and the same rights and easements in the stone and brick partition wall between said estate numbered sixteen on Mount Vernon street and the estate belonging to the Commonwealth numbered fourteen on said street, taken by the Commonwealth pursuant to the provisions of chapter five hundred and twenty-five of the acts of the year nineteen hundred and one, which rights and easements in the said wall upon the estate numbered fourteen on Mount Vernon street prior to said taking belonged and were appurtenant to the said estate numbered sixteen on said street; this reconveyance to said Robert Treat Paine being in full settlement of his claim for damages for the taking of his said rights and easements, and to become operative upon the entry in court of a suitable agreement disposing of the suit now pending for the recovery of said damages.

To grant to Robert Treat Paine certain rights, etc., in an estate on Mount Vernon street in Boston.

Approved March 7, 1905.

RESOLVE TO ESTABLISH THE RANK OF WALTER M. LINDSAY IN THE MASSACHUSETTS VOLUNTEER MILITIA.

Chap. 17

Resolved, That the rank and grade of Walter M. Lindsay in the Massachusetts volunteer militia are hereby established from the date of a commission issued to him on the twelfth day of June in the year eighteen hundred and ninety-nine, and that he shall be entitled to all rights and privileges under chapter sixteen of the Revised Laws and acts in amendment thereof, to the same extent as though his term of service in the militia had been continuous from the date aforesaid.

To establish the rank and grade of Walter M. Lindsay in the militia.

Approved March 7, 1905.

Chap. 18 RESOLVE TO PROVIDE FOR THE PRINTING OF A STATE HOUSE GUIDE.

To provide for printing a second edition of the state house guide.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars for publishing, under the direction of the sergeant-at-arms, a second edition of the guide book of the state house, prepared by Ellen Mudge Burrill, and printed and distributed under authority of chapter ninety-three of the resolves of the year nineteen hundred and one, and of chapter one hundred and sixteen of the resolves of the year nineteen hundred and two. The second edition shall contain a statement of such changes as have been made in the position of portraits, and a history of the statues, paintings and relics that have been received since the sixth day of June in the year nineteen hundred and one. There shall be printed a number of copies thereof sufficient for distribution as follows:—To the governor, twenty-five copies; to the lieutenant governor, the members of the executive council, the secretary, treasurer, auditor and attorney-general of the Commonwealth, five copies each; to each member and officer of the general court for the year nineteen hundred and five, ten copies; to the state library, fifty copies; to the secretaries and messengers of the executive department, two copies each; to each doorkeeper, messenger and page, and to the assistant clerks of the general court, one copy; to each reporter regularly assigned a seat in the reporters' gallery, two copies; and the remainder shall be placed in the hands of the sergeant-at-arms to be distributed by him at his discretion.

Approved March 9, 1905.

Chap. 19 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS IN THE NORMAL ART SCHOOL BUILDING.

Normal art school building.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the state board of education, a sum not exceeding ten thousand dollars, for needed repairs and improvements in the normal art school building, including wiring and fixtures for electric lighting, the painting of the interior, the improvement of ventilation, the removal of trusses and partitions, and the strengthening of the fourth story of the building.

Approved March 10, 1905.

RESOLVE RELATIVE TO A MEMORIAL TO GENERAL THOMAS
GREELEY STEVENSON. *Chap. 20*

Resolved, That the governor and council, if they deem it advisable, be authorized to accept and place in the state house a memorial to the late General Thomas Greeley Stevenson, to be presented to the Commonwealth by his comrades in the civil war. *Approved March 15, 1905.*

Memorial to
General
Thomas
Greeley
Stevenson.

RESOLVE TO PROVIDE FOR REPAYMENT FROM THE TREASURY
OF THE COMMONWEALTH TO THE FIRST UNITARIAN SOCIETY
OF HUDSON OF A SUM OF MONEY PAID BY IT INTO THE
TREASURY. *Chap. 21*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the First Unitarian Society of Hudson the sum of two hundred and fifty dollars, that sum having been paid into the treasury through a misconstruction of law, on account of the collateral inheritance and succession tax.

Certain sum
to be paid to
First Unitarian
Society of
Hudson.

Approved March 16, 1905.

RESOLVE IN FAVOR OF HERBERT A. CLARK.

Chap. 22

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and twenty-five dollars to private Herbert A. Clark, company E, sixth regiment, infantry, Massachusetts volunteer militia, in full compensation for injuries sustained and expenses incurred by him by reason of a wound which he received while in the discharge of his duty as a marker at the rifle range in Framingham on the twentieth day of October in the year nineteen hundred and four.

Herbert A.
Clark.

Approved March 24, 1905.

RESOLVE IN FAVOR OF JOHN FOSTER.

Chap. 23

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to John Foster of Cambridge the sum of one hundred dollars, in full compensation for injuries accidentally received by him while acting under military orders as a member of troop D, first battalion of cavalry, second brigade, Massachusetts volunteer militia, on the twentieth day of July in the year nineteen hundred and three. *Approved March 27, 1905.*

John Foster.

Chap. 24

RESOLVE IN FAVOR OF CORNELIUS USHER.

Cornelius
Usher.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Cornelius Usher of Lynn the sum of one thousand dollars, in full compensation for his confinement for a period of one year, eleven months and twenty-six days, from the twenty-ninth day of May in the year nineteen hundred and two to the twenty-fifth day of May in the year nineteen hundred and four, in the state prison at Charlestown, for a crime of which he was innocent and for which he was granted a pardon, on the ground of his innocence, by the governor and council on the twenty-fifth day of May in the year nineteen hundred and four. *Approved March 27, 1905.*

Chap. 25

RESOLVE TO CONFIRM THE ACTS OF EDWIN H. JOSE AS A JUSTICE OF THE PEACE AND AS A NOTARY PUBLIC.

Acts of Edwin
H. Jose, justice
of the peace
and notary
public, con-
firmed.

Resolved, That the acts of Edwin H. Jose as a justice of the peace and as a notary public, between the twelfth day of August and the fourteenth day of December in the year nineteen hundred and four, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said offices.

Approved March 28, 1905.

Chap. 26

RESOLVE TO CONFIRM CERTAIN ACTS OF FRANK E. FITZ AS A JUSTICE OF THE PEACE.

Acts of Frank
E. Fitz, justice
of the peace,
confirmed.

Resolved, That the acts of Frank E. Fitz as a justice of the peace, between the seventeenth day of October in the year nineteen hundred and two and the seventeenth day of February in the year nineteen hundred and five, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Approved March 28, 1905.

Chap. 27

RESOLVE TO PROVIDE FOR A SURVEY AND ESTIMATE BY THE BOARD OF HARBOR AND LAND COMMISSIONERS OF A PART OF SAUGUS RIVER AND THE APPROACHES THERETO.

Survey and
estimate of
a part of
Saugus river,
etc.

Resolved, That the board of harbor and land commissioners is hereby directed to make or cause to be made a survey of that part of Saugus river between the Salem

turnpike, so-called, and the deep waters of Broad sound, and to make a report thereon to the general court, together with estimates of the cost of dredging a channel to such depth and width as the board may deem advisable. For the purposes of this resolve the said board may expend a sum not exceeding one thousand dollars.

Approved March 31, 1905.

RESOLVE IN FAVOR OF ALBERT A. HARTSHORN.

Chap. 28

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Albert A. Hartshorn of Lynn the sum of one hundred and fifty dollars, in full compensation for injuries accidentally received by him while in the discharge of his duties as a member of company D, eighth regiment, Massachusetts volunteer militia, on the fourteenth day of September in the year nineteen hundred and four.

Albert A.
Hartshorn.

Approved March 31, 1905.

RESOLVE RELATIVE TO CERTAIN STATUES IN AND ABOUT THE
STATE HOUSE.

Chap. 29

Resolved, That the governor and council are hereby authorized to remove permanently the tablet on the back of the pedestal of the statue of Major General Hooker and to make such alterations as may be necessary in the stone beneath; to permit the sculptor, Daniel Chester French, to replace at his own expense the tablet now on the pedestal of the statue of Major General Bartlett; to make such alterations in the pedestal and position of the statue of Major General Devens as shall in the judgment of the governor and council be necessary in connection with the placing of the statue of Major General Banks, in order to secure a harmonious treatment of the entrance to the state house grounds from Ashburton place. They may expend, to carry out the purposes of this resolve, a sum not exceeding five hundred dollars.

Certain statues
in and about
the state
house.

Approved April 5, 1905.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BARN-
STABLE.

Chap. 30

Resolved, That the following sums are hereby appropriated for the expenses of the county of Barnstable for the year nineteen hundred and five:—

County tax,
Barnstable.

County tax,
Barnstable.

For interest on county debt, a sum not exceeding five hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding six thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding one thousand two hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding four thousand eight hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding four thousand three hundred dollars.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding two thousand five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding four hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand two hundred dollars.

For auditors, masters and referees, a sum not exceeding one thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding three thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding one thousand eight hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding fifteen thousand dollars.

For truant schools, a sum not exceeding one hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of thirty-five thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 5, 1905.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF DUKES COUNTY. *Chap. 31*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Dukes County for the year nineteen hundred and five:—

For interest on county debt, a sum not exceeding two hundred and fifty dollars.

For reduction of county debt, a sum not exceeding one thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding two thousand two hundred dollars.

For clerical assistance in county offices, a sum not exceeding three hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding nine hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding five hundred dollars.

For criminal costs in the superior court, a sum not exceeding two hundred and fifty dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding nine hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two hundred dollars.

For auditors, masters and referees, a sum not exceeding one hundred and fifty dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding two hundred dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding one thousand two hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding seven hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of

County tax,
Dukes County.

nine thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes. *Approved April 5, 1905.*

Chap. 32 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF FRANKLIN.

County tax,
Franklin.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Franklin for the year nineteen hundred and five: —

For interest on county debt, a sum not exceeding one thousand one hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding seven thousand one hundred dollars.

For clerical assistance in county offices, a sum not exceeding two thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding seven thousand three hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding ten thousand dollars.

For criminal costs in the superior court, a sum not exceeding three thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding seven thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding two hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand three hundred dollars.

For auditors, masters and referees, a sum not exceeding four hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding eight thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding three thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding thirteen thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding one hundred County tax, Franklin. dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand five hundred ninety-eight dollars and eighty cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of fifty-six thousand four hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 5, 1905.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF *Chap. 33*
HAMPDEN.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampden for the year nineteen hundred and five:— County tax, Hampden.

For interest on county debt, a sum not exceeding nine thousand dollars.

For reduction of county debt, a sum not exceeding eighteen thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding seventeen thousand dollars.

For clerical assistance in county offices, a sum not exceeding seven thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-five thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-eight thousand dollars.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-two thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding six thousand dollars.

For auditors, masters and referees, a sum not exceeding four thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding ten thousand dollars.

County tax,
Hampden.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding ten thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twelve thousand dollars.

For law libraries, a sum not exceeding two thousand five hundred dollars.

For truant schools, a sum not exceeding six thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand four hundred ninety-six dollars and thirty-six cents.

For the care and maintenance of the Mount Tom state reservation, a sum not exceeding three thousand two hundred and fifty dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and fifty-three thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 5, 1905.

Chap. 34 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF NORFOLK.

County tax,
Norfolk.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Norfolk for the year nineteen hundred and five:—

For interest on county debt, a sum not exceeding twenty-one thousand dollars.

For reduction of county debt, a sum not exceeding twenty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding nineteen thousand dollars.

For clerical assistance in county offices, a sum not exceeding eighteen thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding thirty-two thousand five hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-eight thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-one thousand dollars. County tax, Norfolk.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-two thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding five thousand dollars.

For auditors, masters and referees, a sum not exceeding three thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding ten thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding thirty-five thousand dollars.

For truant schools, a sum not exceeding four thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding three thousand two hundred ninety-seven dollars and twelve cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of two hundred and thirty-one thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 5, 1905.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF PLYMOUTH. *Chap. 35*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Plymouth for the year nineteen hundred and five:— County tax, Plymouth.

For interest on county debt, a sum not exceeding four thousand dollars.

For reduction of county debt, a sum not exceeding twenty thousand seven hundred thirteen dollars and fourteen cents.

For salaries of county officers and assistants, fixed by law, a sum not exceeding eleven thousand five hundred dollars.

County tax,
Plymouth.

For clerical assistance in county offices, a sum not exceeding six thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-three thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding sixteen thousand five hundred dollars.

For criminal costs in the superior court, a sum not exceeding eighteen thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding ten thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding four hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding three thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding one thousand five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding three thousand five hundred dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding three thousand five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding ten thousand five hundred dollars.

For truant schools, a sum not exceeding two thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand eighty-four dollars and ninety-nine cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and twenty-five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 5, 1905.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF WORCESTER. *Chap. 36*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Worcester for the year nineteen hundred and five: — County tax, Worcester.

For interest on county debt, a sum not exceeding eleven thousand dollars.

For reduction of county debt, a sum not exceeding forty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-six thousand dollars.

For clerical assistance in county offices, a sum not exceeding thirty-eight thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding forty-eight thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding fifty thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-two thousand dollars.

For trial justices, a sum not exceeding three thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding eight hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding twelve thousand dollars.

For auditors, masters and referees, a sum not exceeding ten thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding five thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-two thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twenty-five thousand dollars.

For truant schools, a sum not exceeding ten thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding seventeen thousand two hundred dollars.

County tax,
Worcester.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 5, 1905.

Chap. 37 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF
BERKSHIRE.

County tax,
Berkshire.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Berkshire for the year nineteen hundred and five:—

For interest on county debt, a sum not exceeding three thousand five hundred dollars.

For reduction of county debt, a sum not exceeding ten thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirteen thousand dollars.

For clerical assistance in county offices, a sum not exceeding four thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirty thousand dollars.

For criminal costs in the superior court, a sum not exceeding six thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding six thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding two hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding one thousand two hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding seven thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding six thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding sixteen thousand dollars. County tax, Berkshire.

For truant schools, a sum not exceeding one thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand three hundred forty-eight dollars and thirty-seven cents.

For the care and maintenance of the Greylock state reservation, a sum not exceeding one thousand five hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and eighteen thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 6, 1905.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BRISTOL. *Chap. 38*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Bristol for the year nineteen hundred and five:— County tax, Bristol.

For interest on county debt, a sum not exceeding forty-two thousand dollars.

For reduction of county debt, a sum not exceeding fifty-five thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-four thousand dollars.

For clerical assistance in county offices, a sum not exceeding twelve thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding thirty-four thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eighty thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-seven thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-one thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding six hundred dollars.

County tax,
Bristol.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding seven thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding two thousand five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding forty-nine thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding eleven thousand dollars.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding six thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred and fifteen thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 6, 1905.

Chap. 39 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF ESSEX.

County tax,
Essex.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Essex for the year nineteen hundred and five: —

For interest on county debt, a sum not exceeding twenty-seven thousand five hundred dollars.

For reduction of county debt, a sum not exceeding thirty-five thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty-two thousand dollars.

For clerical assistance in county offices, a sum not exceeding fourteen thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding forty-two thousand five hundred dollars.

For salaries of jailers, masters and assistants, and sup-

port of prisoners in jails and houses of correction, a sum County tax,
Essex. not exceeding sixty-one thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-six thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-four thousand dollars.

For trial justices, a sum not exceeding four thousand five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding six hundred and fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding ten thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding seven thousand dollars.

For building county buildings, a sum not exceeding twelve thousand five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding ten thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-one thousand five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding twenty-one thousand dollars.

For law libraries, a sum not exceeding three thousand dollars.

For truant schools, a sum not exceeding ten thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand sixty-four dollars and sixty-nine cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred and twenty thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 6, 1905.

Chap. 40 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPSHIRE.

County tax,
Hampshire.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampshire for the year nineteen hundred and five:—

For interest on county debt, a sum not exceeding one thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding nine thousand dollars.

For clerical assistance in county offices, a sum not exceeding three thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding eleven thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eleven thousand dollars.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding six thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand dollars.

For auditors, masters and referees, a sum not exceeding one thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding three thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding five thousand dollars.

For highways, bridges and land damages, a sum not exceeding fifteen thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding three thousand five dollars and forty-four cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the

current year, in the manner provided by law, the sum of sixty-five thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 6, 1905.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF MIDDLESEX. *Chap. 41*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Middlesex for the year nineteen hundred and five:— County tax, Middlesex.

For interest on county debt, a sum not exceeding forty-one thousand dollars.

For reduction of county debt, a sum not exceeding forty-five thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty-nine thousand dollars.

For clerical assistance in county offices, a sum not exceeding sixty-three thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding eighty-five thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding one hundred and forty thousand dollars.

For criminal costs in the superior court, a sum not exceeding fifty-five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding sixty-five thousand dollars.

For trial justices, a sum not exceeding four thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding five hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding fifteen thousand dollars.

For auditors, masters and referees, a sum not exceeding ten thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twenty-eight thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding sixty thousand two hundred and fifty dollars.

For highways, including state highways, bridges and

County tax,
Middlesex.

land damages, a sum not exceeding thirty-eight thousand dollars.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding twenty-five thousand five hundred dollars.

For printing a history of Middlesex county officials, a sum not exceeding seven hundred and fifty dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding seven thousand two hundred eighty-seven dollars and three cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of five hundred and eighty-two thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 6, 1905.

Chap. 42

RESOLVE IN FAVOR OF FRED E. BOLTON.

Fred E.
Bolton.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Fred E. Bolton, captain and paymaster of the sixth regiment, Massachusetts volunteer militia, the sum of two hundred thirty-seven dollars and fifty-one cents, this sum being the amount to which he was entitled but which he failed to receive as an allowance under the provisions of section one hundred and fifty of chapter sixteen of the Revised Laws from the twenty-eighth day of May in the year nineteen hundred and two to the thirty-first day of December in the year nineteen hundred and three, inclusive.

Approved April 6, 1905.

Chap. 43

RESOLVE IN FAVOR OF WILLIAM E. MOUNTAIN.

William E.
Mountain.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to William E. Mountain of Lowell the sum of one hundred and twenty-five dollars, in full compensation for injuries received by him by being thrown from his horse while in the service of the Commonwealth as a member of troop F, Massachusetts volunteer militia, in the camp at South Framingham on the nineteenth day of June in the year nineteen hundred and four.

Approved April 6, 1905.

RESOLVE TO AUTHORIZE THE PURCHASE OF ADDITIONAL LAND *Chap. 44*
FOR THE MEDFIELD INSANE ASYLUM.

Resolved, That there be allowed and paid out of the Medfield Insane Asylum Fund a sum not exceeding two hundred dollars, to be expended by the superintendent and trustees of the asylum in the purchase of land for the use of the institution. Additional land for the Medfield insane asylum.
Approved April 7, 1905.

RESOLVE TO PROVIDE FOR PAINTING AND REPAIRING AT THE *Chap. 45*
MASSACHUSETTS REFORMATORY.

Resolved, That there be allowed and paid out of the Massachusetts Reformatory Industries Fund a sum not exceeding six thousand dollars, to be expended at the Massachusetts reformatory under the direction of the prison commissioners, for repainting iron work, repairing the wall, removing farm buildings and making repairs on houses occupied by the subordinate officers. Massachusetts reformatory.

Approved April 7, 1905.

RESOLVE TO PROVIDE FOR LOCATING, DEFINING AND MARKING *Chap. 46*
THE BOUNDARY LINE BETWEEN THE COMMONWEALTH OF
MASSACHUSETTS AND THE STATE OF CONNECTICUT.

Resolved, That the board of harbor and land commissioners is hereby authorized and directed, acting with any officers or agents who may be authorized or appointed for a like purpose by the state of Connecticut, to locate, define and mark by proper monuments the true line between the territory under the jurisdiction of the Commonwealth of Massachusetts and that under the jurisdiction of the state of Connecticut; that upon the completion of the work the commissioners shall file with the secretary of the Commonwealth a properly attested map showing the location of all the monuments marking the state line, and shall make a report of their doings hereunder to the general court; and that there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seven thousand dollars, for the purpose of paying the Commonwealth's share of the necessary expenses incurred in carrying out the work hereby authorized. Boundary line between the Commonwealth of Massachusetts and the state of Connecticut.

Approved April 13, 1905.

- Chap. 47* RESOLVE TO PROVIDE FOR AN INVESTIGATION BY THE BOARD OF PRISON COMMISSIONERS AS TO THE COMMITMENT OF FEMALE PRISONERS.

Investigation
as to the
commitment of
female prison-
ers.

Resolved, That the board of prison commissioners is instructed to investigate the advisability of amending the law relative to the commitment of female prisoners convicted of minor offences, and also the advisability of amending the law so as to require the more complete separation of females convicted of minor offences from those confined for other offences. The board shall embody in its next annual report such recommendations in the premises as it may deem advisable. *Approved April 13, 1905.*

- Chap. 48* RESOLVE TO DIRECT THE BOSTON TRANSIT COMMISSION TO INQUIRE INTO THE SUBJECT OF THE FURTHER DEVELOPMENT OF THE SUBWAY SYSTEMS OF THE CITY OF BOSTON.

Further
development
of the subway
systems of
Boston.

Resolved, That the Boston transit commission shall forthwith proceed to inquire into the subject of the further development of the subway systems of the city of Boston; the most advisable routes; whether further subways are necessary or desirable at the present time, or will be in the immediate future; whether the further construction of such subways will be likely to endanger the stability of any surface structures now erected or to be erected; and such other details as said commission may consider necessary and relevant; and shall submit a report covering the results of said inquiry to the next general court not later than the third Saturday in January.

Approved April 13, 1905.

- Chap. 49* RESOLVE TO PROVIDE FOR AN INVESTIGATION AND REPORT BY THE COMMISSIONERS ON FISHERIES AND GAME AS TO SCALLOPS.

Propagation
of scallops.

Resolved, That the commissioners on fisheries and game are hereby authorized and directed to investigate and report as to the time or times during each year when scallops propagate and as to the natural limit of their life, together with any other facts regarding scallops which the commissioners may think desirable to include in their investigation and report. Said commissioners may expend for the purposes of this resolve a sum not exceeding five hundred dollars.

Approved April 13, 1905.

RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME *Chap. 50*
IN MASSACHUSETTS.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Trustees of the Soldiers' Home in Massachusetts the sum of fifty thousand dollars, to aid in the maintenance of the said home during the current year. *Approved April 14, 1905.*

Trustees of
the Soldiers'
Home.

RESOLVE TO PROVIDE FOR PREPARING AND PRINTING A SPECIAL *Chap. 51*
REPORT ON THE BIRDS OF THE COMMONWEALTH.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three thousand dollars for preparing and printing, under the direction of the state board of agriculture, in an edition of five thousand copies, a special report on the birds of the Commonwealth, economically considered, to include the facts relating to the usefulness of birds and the necessity for their protection already ascertained by the ornithologist of the state board of agriculture, to be distributed as follows:—Two copies to each free public library in the Commonwealth; two copies to each high school, and two copies to such schools in towns which have no high school as the school committee may designate; one copy to the library of congress, and one copy to each state or territorial library in the United States; twenty-five copies to the state library; five copies to the governor; two copies to the lieutenant governor and each member of the council; two copies to the secretary of the Commonwealth; two copies to the treasurer and receiver general; two copies to the auditor of accounts; two copies to the attorney-general, and one copy to each member of the present general court applying for the same; the remainder to be distributed under the direction of the state board of agriculture. *Approved April 14, 1905.*

Preparation
and printing
of report on
the birds of
the Common-
wealth.

RESOLVE IN FAVOR OF PATRICK ROWEN.

Chap. 52

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Patrick Rowen of Concord the sum of six hundred dollars, in full compensation for services rendered by him as a watchman at the Massachusetts reformatory from the twenty-second day of April,

Patrick
Rowen.

eighteen hundred and ninety-six, to the twenty-second day of April, eighteen hundred and ninety-nine, and for which he has not been paid.

Approved April 17, 1905.

Chap. 53 RESOLVE TO PROVIDE FOR THE ERECTION OF A MONUMENT IN THE NATIONAL CEMETERY AT WINCHESTER, VIRGINIA.

Monument in the national cemetery at Winchester, Virginia.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of thirty-five hundred dollars, to be expended under the direction of the governor and council, for the erection of a suitable monument in the national cemetery at Winchester, Virginia, in memory of the members of the various regiments of Massachusetts troops who lost their lives in the Shenandoah valley campaign during the civil war.

Approved April 20, 1905.

Chap. 54 RESOLVE TO AUTHORIZE AND DIRECT THE COMMISSIONERS ON FISHERIES AND GAME TO TAKE CONTROL OF THE POWDER HOLE, SO-CALLED, AT MONOMOY POINT, IN THE TOWN OF CHATHAM, FOR THE PROPAGATION OF LOBSTERS.

Propagation of lobsters.

Resolved, That the commissioners on fisheries and game are hereby authorized to take full control of the Powder Hole, so-called, at Monomoy Point, in the town of Chatham, for the purpose of propagating lobsters, to clean out and screen said Powder Hole, and to prohibit fishing or the taking of fish therein, and to impound egg-bearing lobsters therein and to rear lobster fry. The manner of the taking of said Powder Hole and the determination of the damages sustained thereby, or by any of the doings of the commissioners under the provisions of this resolve, shall be the same as is provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three relative to the taking of land by the metropolitan park commission; and said commissioners shall, for the purposes of this resolve, have all the powers conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid from the treasury of the Commonwealth to the person or persons entitled thereto. A sum not exceeding one thousand dollars may be expended in carrying out the provisions of this resolve.

Approved April 21, 1905.

RESOLVE IN FAVOR OF MICHAEL MORGAN.

Chap. 55

Resolved, That there be allowed and paid out of the Metropolitan Water Maintenance Fund the sum of six hundred and fifty dollars to Michael Morgan of Natick, an employee of the metropolitan water and sewerage board, on account of the death of his daughter, Mary Morgan, ten years of age, who was drowned on the twenty-seventh day of July in the year nineteen hundred and three, by falling into the Sudbury aqueduct of the metropolitan water works in the town of Natick through a trap door which was negligently left open by employees of the Commonwealth.

Michael
Morgan.*Approved April 21, 1905.*

RESOLVE RELATIVE TO A REVISION OF THE LAWS RELATING TO THE ESTABLISHMENT OF PEST HOUSES BY CITIES AND TOWNS.

Chap. 56

Resolved, That the state board of health is hereby directed to investigate the advisability of revising the laws relative to the establishment and maintenance of pest houses by cities and towns, and to report thereon to the next general court not later than the fifteenth day of January, nineteen hundred and six.

Revision of
laws relative
to pest houses
in cities and
towns.*Approved April 28, 1905.*

RESOLVE TO PROVIDE FOR THE PUBLICATION OF INDUSTRIAL INFORMATION BY THE BUREAU OF STATISTICS OF LABOR.

Chap. 57

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars, to be expended by the bureau of statistics of labor in publishing information as to industrial opportunities in the Commonwealth which have not been utilized, including the location of unused lands suitable for manufacturing or industrial purposes.

Publication of
industrial
information.*Approved April 28, 1905.*

RESOLVE TO AUTHORIZE THE STATE BOARD OF CHARITY TO SELL AND CONVEY CERTAIN REAL ESTATE IN THE TOWN OF BREWSTER.

Chap. 58

Resolved, That the state board of charity is hereby authorized to sell and convey a certain parcel of real estate situated in the town of Brewster which was con-

Sale of certain
real estate in
the town of
Brewster.

veyed to the Commonwealth by Franklin D. Underwood, by deed executed December thirty-first, nineteen hundred and four, and recorded with Barnstable county deeds in book two hundred and seventy-two, page two. The proceeds of the sale of the said real estate shall be paid into the treasury of the Commonwealth.

Approved April 28, 1905.

- Chap. 59* RESOLVE TO PROVIDE FOR CONTINUING THE INVESTIGATION BY THE STATE BOARD OF HEALTH OF CONDITIONS AFFECTING THE HEALTH OR SAFETY OF EMPLOYEES IN FACTORIES AND OTHER ESTABLISHMENTS.

Investigation of conditions affecting the health or safety of certain employees, etc.

Resolved, That the state board of health, with such aid as it may require from the chief of the district police and from the bureau of statistics of labor, is hereby directed to continue the investigation of conditions affecting the health or safety of employees in factories, workshops and other places of employment in the Commonwealth, the said investigation having been authorized by chapter ninety-nine of the resolves of the year nineteen hundred and four. For this purpose the officers and employees of the said board shall have power to enter and inspect all premises in use for industrial purposes, and to obtain such information as may be necessary to carry out the purposes of this resolve. The board is also directed to report to the general court on or before January fifteenth in the year nineteen hundred and seven, such recommendations as it may deem expedient for the revision of the laws in this Commonwealth relating to the health, safety or welfare of persons engaged in industrial pursuits. For the above purposes the board may expend a sum not exceeding twenty-five hundred dollars during the fiscal year nineteen hundred and five, and twenty-five hundred dollars during the fiscal year nineteen hundred and six.

Approved April 28, 1905.

- Chap. 60* RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMITTEE TO CONSIDER THE LAWS RELATIVE TO THE TAXATION OF FOREST LANDS AND TO REPORT THEREON.

Committee to consider laws relative to taxation of forest lands, etc.

Resolved, That the tax commissioner and one of the harbor and land commissioners, and the state forester, together with such other persons as the governor, with the

advice and consent of the council, may appoint, shall constitute a committee, serving without compensation, to examine and consider the laws of the Commonwealth and of other states and countries, relative to the taxation of forest lands. The committee shall report to the general court on or before the second Wednesday of January in the year nineteen hundred and six the result of their investigation, with any suggestions as to legislation which they may consider desirable for promoting the cultivation and improvement of forest lands within the Commonwealth. There shall be allowed to the committee for their expenses such sums as may be approved by the governor, not exceeding in the aggregate the sum of five hundred dollars.

Approved April 28, 1905.

RESOLVE TO PROVIDE FOR THE PURCHASE OF CERTAIN LAND AND BUILDINGS ADJOINING THE LAND OF THE NORTHAMPTON INSANE HOSPITAL.

Chap. 61

Resolved. That there be allowed and paid out of the Northampton Insane Hospital Fund a sum not exceeding fifty-five hundred dollars, to be expended under the direction of the trustees of the said hospital for the purchase of certain adjoining land and the buildings thereon, for the greater convenience and improvement of the hospital plant.

Purchase of land, etc., for the Northampton insane hospital.

Approved May 1, 1905.

RESOLVE TO PROVIDE FOR REPAIRING AND PAINTING AT THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND INEBRIATES.

Chap. 62

Resolved. That there be allowed and paid out of the Massachusetts Hospital for Dipsomaniaes and Inebriates Fund a sum not exceeding sixteen hundred dollars, to be expended at the said hospital by the trustees thereof in repairing and painting the barn, stable, administration house and superintendent's house.

Massachusetts hospital for dipsomaniaes, etc.

Approved May 1, 1905.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE HOSPITAL.

Chap. 63

Resolved. That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding nineteen thousand seven hundred and fifty dollars, to be ex-

State hospital.

pended under the direction of the trustees of the state hospital for improvements at that institution, as follows: — For the construction of a store and freight house, a sum not exceeding eight thousand dollars; for a new boiler, dynamo and extension of steam pipe, a sum not exceeding eleven thousand seven hundred and fifty dollars.

Approved May 1, 1905.

Chap. 64 RESOLVE TO PROVIDE FOR COMMEMORATING THE TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF BENJAMIN FRANKLIN.

Commemorating the two hundredth anniversary of the birth of Benjamin Franklin.

Resolved, That the governor, with the advice and consent of the council, is hereby authorized to appoint a committee of five persons, citizens of the Commonwealth, one of whom he shall designate as chairman, and all of whom shall serve without compensation, to be known as the Franklin Centennial Committee. Said committee shall consider plans and arrange for and carry out fitting exercises for the proper celebration, on January seventeenth, nineteen hundred and six, of the two hundredth anniversary of the birth of Benjamin Franklin. The exercises shall be held in Boston, and the committee is authorized to join with the proper authorities of the city of Boston for the purpose of carrying out the same. For the purposes of this resolve the committee may expend a sum not exceeding five hundred dollars, to be paid out of the treasury of the Commonwealth: *provided*, that the city of Boston certifies to the auditor of the Commonwealth that the city council has appropriated a like sum for the same purpose.

Approved May 1, 1905.

Chap. 65 RESOLVE TO AUTHORIZE THE CHIEF OF THE BUREAU OF STATISTICS OF LABOR TO PREPARE A LIST OF THE NAMES AND ADDRESSES OF PERSONS WHO SERVED IN THE ARMY, NAVY OR MARINE CORPS OF THE UNITED STATES DURING THE WAR OF THE REBELLION.

List of persons who served in the United States army, etc., during the war of the rebellion.

Resolved, That the chief of the bureau of statistics of labor is hereby authorized to prepare a list of the names and addresses of all persons who served in the army, navy or marine corps of the United States during the war of the rebellion, so far as such names and addresses may be recorded by the enumerators in taking the decennial cen-

sus in the year nineteen hundred and five. The list shall be open to public inspection in the office of the said bureau. In order to carry out the provisions of this resolve there shall be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars.

Approved May 4, 1905.

RESOLVES PROVIDING FOR THE PRINTING, BINDING AND DISTRIBUTION OF THE REPORTS OF THE DECENNIAL CENSUS OF THE YEAR NINETEEN HUNDRED AND FIVE.

Chap. 66

Resolved, That the general results of the census authorized by chapter four hundred and twenty-three of the acts of the year nineteen hundred and four shall be printed in three octavo volumes of the size of the acts and resolves, but in the general style of the annual reports of the bureau:— The first volume shall contain statistics relating to population, voters, social statistics of a general nature, such as age, color and race, conjugal condition, place of birth, and occupations, and statistics relating to schools and libraries; the second, statistics relating to agriculture, mines, pits and quarries, the fisheries, and coast-wise and ocean commerce; the third, statistics relating to manufactures and trade. Volume one shall not contain more than eight hundred pages and volumes two and three not more than six hundred pages each.

Printing and binding reports of the decennial census.

Resolved, That there be printed from electrotpe plates five thousand copies of volume one, twenty-five hundred copies of volume two and twenty-five hundred copies of volume three. The ten thousand copies shall be bound in cloth and distributed under the direction of the secretary of the Commonwealth, as follows:— To each member of the general courts of the years nineteen hundred and four, nineteen hundred and five and nineteen hundred and six, one copy of each volume. To the governor, lieutenant governor, members of the executive council and the head of each elective executive department, two copies of each volume. To the bureau of statistics of labor, seven hundred copies of volume one and three hundred and fifty copies of volumes two and three. To every appointive state board or commission having an office and clerk, senators and representatives of Massachusetts in congress, the clerks of the supreme judicial and superior courts, the registers of deeds, the registers of probate and insolvency,

Number of copies to be printed and distributed.

the registrars of voters, the clerk of the senate and the clerk of the house of representatives, for use in their respective offices, city and town clerks, for the use of their respective cities and towns, the library of every incorporated college and university in the Commonwealth, and the libraries of the Massachusetts Institute of Technology and the Worcester Polytechnic Institute, every state normal school, every free public library and county law library in the Commonwealth, every state and territorial library and the library of congress, the Massachusetts Historical Society, the New England Historic Genealogical Society, the Boston Athenæum, and the American Antiquarian Society in Worcester, one copy of each volume. The remainder shall be disposed of as may be required for general public use, reserving a proper number for future distribution. All copies herein specially apportioned to individuals or institutions which, after due notice of readiness by the secretary of the Commonwealth, remain unclaimed or undistributed at the expiration of three months after publication shall revert to the Commonwealth and shall be subject to general distribution.

Approved May 4, 1905.

Chap. 67 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE WESTBOROUGH INSANE HOSPITAL.

Westborough
insane
hospital.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand and fifty dollars, to be expended at the Westborough insane hospital under the direction of the trustees thereof, for the following purposes: — For constructing a one story building to be used as a laundry for the Richmond colony, a sum not exceeding three thousand dollars; for furnishing the superintendent's house, a sum not exceeding twelve hundred dollars; and for finishing the superintendent's house, a sum not exceeding eight hundred and fifty dollars.

Approved May 4, 1905.

Chap. 68 RESOLVE IN FAVOR OF THE BRADFORD DURFEE TEXTILE SCHOOL OF FALL RIVER.

Bradford
Durfee Textile
School of
Fall River.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of The Bradford Durfee Textile School of Fall River the sum

of eighteen thousand dollars, to be applied to the purposes of the school: *provided*, that no part of this sum shall be paid until satisfactory evidence is furnished to the auditor of accounts that an additional sum of seven thousand dollars has been paid to said trustees by the city of Fall River or has been received by them from other sources. The city of Fall River is hereby authorized to raise by taxation and pay to said trustees such a sum of money, not exceeding seven thousand dollars, as may be necessary together with that received from other sources to obtain the amount provided for by this resolve.

Approved May 4, 1905.

RESOLVES IN FAVOR OF THE NEW BEDFORD TEXTILE SCHOOL. *Chap. 69*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of eighteen thousand dollars, to be expended by the trustees of the New Bedford textile school for the purposes of the school: *provided*, that no part of this sum shall be paid until satisfactory evidence has been furnished to the auditor of accounts that an additional sum of seven thousand dollars has been paid to the said trustees by the city of New Bedford or has been received by them from other sources. The city of New Bedford is hereby authorized to raise by taxation and pay to said trustees such sum of money not exceeding seven thousand dollars as may be necessary to secure the amount provided for by this resolve.

New Bedford
textile school.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the aforesaid trustees a further sum of three thousand dollars, to be expended under their direction in equipping an addition to the building for the use of said school.

Approved May 4, 1905.

RESOLVE IN FAVOR OF THE LOWELL TEXTILE SCHOOL.

Chap. 70

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the Lowell textile school the sum of twenty-five thousand dollars, to be applied to the purposes of the said school: *provided*, that no part of this sum shall be paid until satisfactory evidence is furnished to the auditor of accounts that an additional sum of eight thousand dollars

Lowell textile
school.

has been paid to said trustees by the city of Lowell or has been received by them from other sources. The city of Lowell is hereby authorized to raise by taxation and pay to said trustees such a sum of money, not exceeding eight thousand dollars, as may be necessary together with that received from other sources to obtain the amount provided for by this resolve.

Approved May 4, 1905.

Chap. 71 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE NORTHAMPTON INSANE HOSPITAL.

Northampton
insane
hospital.

Resolved, That there be allowed and paid out of the Northampton Insane Hospital Fund a sum not exceeding fifty-five hundred dollars, to be expended by the trustees of the said hospital for improvements therein as follows:—For an engine and an electric generator, a sum not exceeding four thousand dollars; and for the construction of a hot house for the farm and garden, a sum not exceeding fifteen hundred dollars.

Approved May 8, 1905.

Chap. 72 RESOLVE TO AUTHORIZE THE APPOINTMENT OF A COMMITTEE TO CONSIDER AND REPORT RELATIVE TO A MEMORIAL OF CHEVALIER DE ST. SAUVEUR.

Committee to
report on
memorial of
Chevalier de
St. Sauveur.

Resolved, That the president of the senate, the speaker of the house, and five other citizens to be appointed by the governor, be a committee to serve without pay during the recess, and to report to the next general court such action as shall seem to them appropriate to carry out, at least in spirit, the promise implied in a resolution of the general court of Massachusetts Bay, passed September sixteenth, seventeen hundred and seventy-eight, respecting a monument and an inscription in memory of Chevalier de St. Sauveur, an officer in the fleet of Count D'Estaing, who was injured by persons unknown in an affray occurring in Boston, September eighth, seventeen hundred and seventy-eight, and who, in consequence of his injuries, died there on September fifteenth of that year.

Approved May 12, 1905.

RESOLVE TO PROVIDE FOR AN INVESTIGATION AND REPORT BY THE COMMISSIONERS ON FISHERIES AND GAME AS TO THE PROPAGATION OF OYSTERS. *Chap. 73*

Resolved, That the commissioners on fisheries and game are hereby authorized and directed to make a biological investigation and report as to the best methods, conditions and localities for the propagation of oysters under the conditions found in Massachusetts waters. The commissioners may expend for the purposes of this resolve a sum not exceeding five hundred dollars a year for a period of three years. *Propagation of oysters.*
Approved May 12, 1905.

RESOLVE IN FAVOR OF THE NEW ENGLAND INDUSTRIAL SCHOOL FOR DEAF MUTES. *Chap. 74*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the New England Industrial School for Deaf Mutes the sum of twenty-five hundred dollars, to be expended under the direction of the trustees thereof for the educational purposes of the school for the year nineteen hundred and five. The trustees shall report to the state board of education the expenditures made under authority of this resolve. *New England Industrial School for Deaf Mutes.*

Approved May 12, 1905.

RESOLVE TO PROVIDE FOR AN EXHIBITION OF MEANS AND METHODS OF TREATING AND PREVENTING TUBERCULOSIS. *Chap. 75*

Resolved, That the state board of health is hereby authorized, within two years after the passage of this resolve, to cause a public exhibition to be made of the various means and methods used or recommended for treating and preventing tuberculosis, now recognized as a communicable and preventable disease. The said board may expend a sum not exceeding two thousand dollars in carrying out the provisions of this resolve, and is directed to report to the general court on or before the fifteenth day of January next following said exhibition, and shall accompany its report with any recommendations for legislation which it may deem advisable. *Treatment and prevention of tuberculosis, etc.*

Approved May 12, 1905.

Chap. 76 RESOLVE TO PROVIDE FOR TESTIMONIALS TO SOLDIERS AND SAILORS WHO SERVED IN THE SPANISH WAR.

Testimonials
to soldiers, etc.,
of the Spanish
war.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars in addition to any amount heretofore appropriated, to be expended in preparing suitable testimonials for those residents of Massachusetts who served as soldiers or sailors in the Spanish war, as authorized by chapter sixty-eight of the resolves of the year nineteen hundred and two as amended by chapter thirty-seven of the resolves of the year nineteen hundred and four.

Approved May 12, 1905.

Chap. 77 RESOLVE TO PROVIDE FOR AN ADDITIONAL BUILDING AT THE SOLDIERS' HOME IN MASSACHUSETTS.

Additional
building at the
Soldiers'
Home.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred thousand dollars, of which fifty thousand dollars shall be available during the year nineteen hundred and five, and fifty thousand dollars shall be available during the year nineteen hundred and six, to be expended under the direction of the Trustees of the Soldiers' Home in Massachusetts, located at Chelsea, for the construction and furnishing of an additional building of said institution, for hospital purposes: *provided, however*, that the building so erected, together with the land upon which it shall be built, shall become the property of and be vested in the Commonwealth whenever the property of said institution shall cease to be used for the purposes for which it was chartered, and the acceptance of the sum herein appropriated, or of any part thereof, by said trustees, shall be construed as a conclusive agreement on the part of said trustees and their successors that they will convey to the Commonwealth, by sufficient instruments therefor, the building contemplated by the provisions of this resolve, together with the land upon which it shall be situated, whenever the property of said institution shall cease to be used for the purposes for which it is chartered. Said building shall be built in accordance with plans approved by the governor and council. *Approved May 12, 1905.*

RESOLVE TO PROVIDE FOR AN INVESTIGATION AND REPORT BY THE COMMISSIONERS ON FISHERIES AND GAME AS TO THE PROPAGATION OF QUAHAUGS. *Chap. 78*

Resolved, That the commissioners on fisheries and game are hereby authorized and directed to make a biological investigation and report as to the best methods, conditions and localities for the propagation of quahaugs. The commissioners may expend for the purposes of this resolve a sum not exceeding five hundred dollars a year for a period of three years. *Propagation of quahaugs.*
Approved May 17, 1905.

RESOLVE TO PROVIDE FOR CERTAIN ADDITIONS AND IMPROVEMENTS AT THE MASSACHUSETTS AGRICULTURAL COLLEGE. *Chap. 79*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty-two thousand six hundred and fifty dollars, to be expended at the Massachusetts Agricultural College, under the direction of the board of trustees, for the following purposes, to wit:—Thirty-nine thousand nine hundred and fifty dollars for erecting, heating and equipping a building for the use of the horticultural department; thirty-two hundred dollars for the enlargement of the laboratory and for a new plant house for the entomological department; eighty-five hundred dollars for the extension of the central heating system to the east experiment station, to the proposed horticultural building and to the botanic museum; and one thousand dollars for painting and repairing the dairy building, barns and stable. *Massachusetts Agricultural College.*

Approved May 17, 1905.

RESOLVE TO CONFIRM THE ACTS OF RUSSELL A. SEARS AS A JUSTICE OF THE PEACE. *Chap. 80*

Resolved, That the acts of Russell A. Sears as a justice of the peace, between the ninth day of February and the twenty-sixth day of April in the year nineteen hundred and five, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office. *Acts of Russell A. Sears, justice of the peace, confirmed.*

Approved May 17, 1905.

Chap. 81 RESOLVE TO PROVIDE FOR NEW BOILERS AND A RECONSTRUCTION OF THE HEATING PLANT AT THE STATE FARM.

State farm.

Resolved, That there be allowed and paid out of the State Farm Industries Fund a sum not exceeding twelve thousand dollars, to be expended at the state farm, under the direction of the trustees and superintendent thereof, for installing new boilers and the reconstruction of the heating plant at said institution.

Approved May 17, 1905.

Chap. 82 RESOLVE TO PROVIDE FOR THE LAYING OF A CONDUIT AT THE LYMAN SCHOOL FOR BOYS.

Lyman school
for boys.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen hundred dollars, to be expended at the Lyman school for boys, under the direction of the trustees thereof, in laying a conduit for the steam and water pipes connecting several of the buildings at said institution.

Approved May 18, 1905.

Chap. 83 RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

State industrial school
for girls.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty-eight hundred dollars, to be expended at the state industrial school for girls, under the direction of the trustees thereof, for renewing the plumbing in the four cottages of said institution, and also a sum not exceeding five hundred dollars, to be expended in like manner, for the carpenter work and necessary repairs in connection with the plumbing work.

Approved May 18, 1905.

Chap. 84 RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE GRAFTON COLONY OF THE WORCESTER INSANE ASYLUM.

Grafton colony of the
Worcester insane asylum.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five thousand dollars, to be expended under the direction of the trustees of the Worcester insane asylum, for the further development of the Grafton colony, as follows: —

For a bridge over the Boston and Albany track, a sum not exceeding seven thousand dollars; for laundry machinery, a sum not exceeding five thousand dollars; for roadways for the approaches to the proposed bridge and for road machinery, a sum not exceeding fifteen hundred dollars; for machinery for carpenter shop, a sum not exceeding two thousand dollars; for repair of buildings, addition to the sewerage system and extension of water mains, a sum not exceeding thirty-two hundred dollars; for fencing, a sum not exceeding sixteen hundred dollars; for ovens for bakery and bread mixer, a sum not exceeding fifteen hundred dollars; for fire hose and extinguishers, a sum not exceeding two thousand dollars; for extension of telephone lines, a sum not exceeding two hundred dollars; for additional out-buildings, a sum not exceeding six hundred dollars; and for carriages, a sum not exceeding four hundred dollars.

Grafton
colony of the
Worcester
insane asylum.

Approved May 18, 1905.

RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Chap. 85

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-two thousand dollars, to be expended at the Massachusetts School for the Feeble-Minded, under the direction of the trustees thereof, for the following purposes: — For the construction of an additional story for the dynamo building, with fireproof drying room, and for fireproofing the west building and for altering and repairing the administration building, a sum not exceeding eight thousand dollars; for furnishing the wooden buildings at Templeton for fifty patients, a sum not exceeding two thousand dollars; for furnishing the dormitories at Waltham, a sum not exceeding eight thousand dollars; for the construction of a new barn, a sum not exceeding three thousand dollars; for the construction of a new shed, a sum not exceeding three hundred dollars; for the construction of an ice house, a sum not exceeding four hundred dollars; and for the construction of a silo, a sum not exceeding three hundred dollars.

Massachusetts
School for the
Feeble-
Minded.

Approved May 18, 1905.

Chap. 86 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

Massachusetts
hospital for
epileptics.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended under the direction of the trustees of the Massachusetts hospital for epileptics, in furnishing new buildings to be erected at the said institution.

Approved May 18, 1905.

Chap. 87 RESOLVE TO PROVIDE FOR FURNISHING NEW BUILDINGS AT THE GRAFTON COLONY OF THE WORCESTER INSANE ASYLUM.

Grafton colony
of the
Worcester
insane asylum.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seven thousand dollars, to be expended by the trustees of the Worcester insane asylum and the Grafton colony, for improvements at the said colony as follows:— For furnishing the new brick building for one hundred patients, a sum not exceeding five thousand dollars; and for furnishing the new building of wood for fifty patients, a sum not exceeding two thousand dollars.

Approved May 18, 1905.

Chap. 88 RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE STATE COLONY FOR THE INSANE.

State colony
for the insane.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirteen thousand dollars, to be expended at the state colony for the insane, under the direction of the trustees thereof, for the following purposes:— For the purchase and installation of two new boilers, an engine and a dynamo, a sum not exceeding eight thousand dollars; and for furnishing and equipping new buildings, a sum not exceeding five thousand dollars.

Approved May 18, 1905.

Chap. 89 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE WORCESTER INSANE ASYLUM.

Worcester
insane asylum.

Resolved, That the trustees of the Worcester insane asylum are hereby authorized to expend, out of the Worcester Insane Asylum Fund, a sum not exceeding nine thousand dollars, for certain improvements at the said asylum,

to wit:— For installing a telephone system, a sum not exceeding twelve hundred dollars; for plumbing, a sum not exceeding thirty-five hundred dollars; for ovens for the bakery, a sum not exceeding eleven hundred dollars; and for two steam boilers, a sum not exceeding thirty-two hundred dollars.

Approved May 18, 1905.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE DANVERS INSANE HOSPITAL. *Chap. 90*

Resolved, That the trustees of the Danvers insane hospital are hereby authorized to expend, out of the Danvers Insane Hospital Fund, the sum of sixteen thousand five hundred dollars, for the following purposes:— For improvements in two barracks for patients afflicted with tuberculosis, a sum not exceeding one thousand dollars; for the construction and equipment of two bathroom buildings, a sum not exceeding fifteen thousand dollars; and for the construction of a silo in connection with the farm buildings at the Middleton colony, a sum not exceeding five hundred dollars.

Approved May 22, 1905.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE WORCESTER INSANE HOSPITAL. *Chap. 91*

Resolved, That the trustees of the Worcester insane hospital are hereby authorized to expend, out of the Worcester Insane Hospital Fund, a sum not exceeding six thousand dollars, for certain improvements at the said hospital, to wit:— For the construction of a piggery, a sum not exceeding fifteen hundred dollars; for repairing and altering the old farmhouse, for moving and remodeling part of the old piggery for use as a storehouse, for constructing a hothouse for vegetables, for furnishing and equipping the new pathological building, and for covering steam pipes, a sum not exceeding forty-five hundred dollars.

Approved May 22, 1905.

RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE STATE FARM. *Chap. 92*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eight thousand dollars, to be expended at the state farm, under the direction of the trustees and superintendent thereof,

for the following purposes:—For enlarging the water filtration plant, a sum not exceeding three thousand dollars; and for a driveway and cattle paths under the railroad, a sum not exceeding five thousand dollars.

Approved May 22, 1905.

Chap. 93 RESOLVE TO PROVIDE FOR A SURVEY BY THE COMMISSIONERS ON FISHERIES AND GAME OF AREAS AVAILABLE FOR THE PROPAGATION OF CLAMS.

Propagation
of clams.

Resolved, That the commissioners on fisheries and game are hereby authorized and directed to investigate and determine what areas or localities are, in their opinion, suitable and available for the propagation of clams, and to make a biological survey of such areas. Said commissioners may expend for the purposes of this resolve a sum not exceeding five hundred dollars a year for a period of three years.

Approved May 24, 1905.

Chap. 94 RESOLVE TO PROVIDE FOR A COMMISSION TO CONSIDER THE NEEDS FOR TECHNICAL EDUCATION IN THE DIFFERENT GRADES OF INDUSTRIAL SKILL AND RESPONSIBILITY.

Commission
to consider
the needs for
technical
education, etc.

Resolved, That the governor, with the advice and consent of the council, shall, within thirty days after the passage of this resolve, appoint a suitable commission of nine persons, citizens of the Commonwealth, representing the manufacturing, agricultural, educational and labor interests, to serve for such compensation as the governor and council shall approve, to be known as the Commission on Industrial and Technical Education. Said commission may employ experts and all necessary clerical and other assistance, and may incur such reasonable expenses, including travelling expenses, as may be authorized by the governor and council. Before incurring any expense the commission shall from time to time estimate its probable amount, and submit the estimate to the governor and council for their approval, and no expense shall be incurred by the commission beyond the amount so estimated and approved. The commission shall report to the general court on or before the second Wednesday of January in the year nineteen hundred and six, with such recommendations for legislation as it may deem expedient. The powers of the commission shall terminate on the said sec-

and Wednesday in January. The commission shall investigate the needs for education in the different grades of skill and responsibility in the various industries of the Commonwealth. They shall investigate how far the needs are met by existing institutions, and shall consider what new forms of educational effort may be advisable, and shall make such investigations as may be practicable through printed reports and the testimony of experts as to similar educational work done by other states, by the United States government and by foreign governments. There may be expended from the treasury of the Commonwealth a sum not exceeding fifteen thousand dollars to carry out the purposes of this resolve: *provided, however*, that not more than five hundred dollars shall be paid in full for services rendered as compensation to any member of the commission.

Duties of
commission.

Approved May 24, 1905.

RESOLVE TO PROVIDE FOR COMPLETING THE EQUIPMENT AND FOR GRADING THE GROUNDS OF THE LOWELL TEXTILE SCHOOL.

Chap. 95

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of the Lowell textile school the sum of thirty-four thousand dollars, of which the sum of twenty-nine thousand dollars shall be for the purpose of completing the equipment of said school, and the sum of five thousand dollars for grading the school grounds: *provided, however*, that no part of this sum shall be paid until one of the trustees on the part of the Commonwealth has certified to the auditor of accounts that the sum of twenty-eight thousand dollars has been paid or machinery or other equipment of equivalent value has been transferred by the city of Lowell or by private persons to the trustees of the Lowell textile school for the purpose aforesaid since February third, nineteen hundred and four. The city of Lowell is hereby authorized to raise by taxation and pay to said trustees such a sum of money, not exceeding twenty-eight thousand dollars, as may be necessary, together with that received from other sources, to obtain the amount provided for in this resolve.

Completing
the equipment
of the Lowell
textile school,
etc.

Approved May 24, 1905.

Chap. 96 RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO INVESTIGATE THE DESIRABILITY OF ESTABLISHING A MEMORIAL RESERVATION ON THE DANIEL WEBSTER HOME-STEAD AT MARSHFIELD.

Commission to investigate the desirability of establishing a memorial reservation on the Daniel Webster homestead, etc.

Resolved. That the governor, with the advice and consent of the council, is hereby authorized and requested to appoint a commission consisting of three persons, one of whom he shall designate as chairman, which commission shall visit and examine the so-called Daniel Webster estate in the town of Marshfield; and shall consider the expediency of the establishment by the commission of a reservation on said estate, together with a museum, wherein articles commemorative of Webster's public service may be placed, and may recommend legislation thereon. If the commission finds it desirable to establish such reservation, they shall report how much and what portion of said estate should be taken for the purposes of said reservation, and shall report the probable cost, both for the purchase of said reservation and for making such reservation suitable for a public park. The commission shall serve without compensation, but may employ such assistance as may be necessary; and its necessary expenses, including travelling expenses, so far as the same are approved by the governor and council shall be paid from time to time from the treasury of the Commonwealth. The commission shall report the result of its investigations to the general court on or before the fifteenth day of January, nineteen hundred and six. If the commission shall recommend legislation, it shall accompany its report with drafts of such bills as may be necessary to carry its recommendation into effect. The commission herein provided for may expend a sum not exceeding two hundred dollars to carry out the provisions of this resolve.

Approved May 24. 1905.

Chap. 97 RESOLVE TO PROVIDE FOR THE REPRESENTATION OF MASSACHUSETTS AT THE LEWIS AND CLARK CENTENNIAL EXPOSITION.

Representation at the Lewis and Clark Centennial Exposition.

Resolved. That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding forty-five hundred dollars, to be expended under the direction of the governor and council, to enable the Commonwealth

to be represented on the seventeenth of June, nineteen hundred and five, at the Lewis and Clark Centennial Exposition to be held at Portland, in the state of Oregon, by a committee of eighteen persons, as follows:—His excellency the governor or his honor the lieutenant governor or some citizen of the Commonwealth, of recognized ability as a public speaker, who shall be appointed by the governor with the advice and consent of the council, two members of the executive council, the president of the senate, the speaker of the house of representatives, the joint committee on federal relations, the sergeant-at-arms and the secretary of the board of managers for Massachusetts of the Lewis and Clark Centennial Exposition. Any vacancies occurring in said joint special committee may be filled by the presiding officer of the branch in the representation of which such vacancies occur.

Approved May 24, 1905.

RESOLVE IN FAVOR OF JOHN B. COTTON.

Chap. 98

Resolved, That there be and hereby is appropriated, to be paid only from the sum of one million six hundred eleven thousand seven hundred and forty dollars and eighty-five cents appropriated by the congress of the United States to the state of Massachusetts, when the same shall have been paid in full through the governor into the treasury of the Commonwealth, the sum of one hundred sixty-one thousand one hundred seventy-four dollars and nine cents to John B. Cotton of Washington, District of Columbia, in full satisfaction and discharge of all obligations of the Commonwealth to him and of all claims and demands of said Cotton against the Commonwealth for services rendered under and by virtue of a certain memorandum of agreement entered into in the name of the Commonwealth under date of July eighteenth, eighteen hundred and ninety-nine, and such payments shall also operate as a cancellation and discharge of any and all claims the Commonwealth may have against said Cotton.

John B.
Cotton.

Approved May 24, 1905.

RESOLVE IN FAVOR OF THE ESTATE OF JOHN P. WHALEN.

Chap. 99

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the estate of the late John P. Whalen, a member of the house of representatives

Estate of
John P.
Whalen.

from the seventh Essex representative district, who died on the twenty-third day of March in the year nineteen hundred and five, the balance of the compensation to which the said John P. Whalen would have been entitled had he lived to serve as representative until the end of the present session.

Approved May 25, 1905.

Chap.100 RESOLVE RELATIVE TO THE ASSOCIATION OF OFFICIALS OF BUREAUS OF LABOR STATISTICS OF AMERICA.

Association
of Officials of
Bureaus of
Labor
Statistics.

Resolved, That the chief of the bureau of statistics of labor is hereby authorized, on behalf of the Commonwealth, to invite the Association of Officials of Bureaus of Labor Statistics of America to hold their twenty-second annual convention in the city of Boston in the year nineteen hundred and six.

Approved May 25, 1905.

Chap.101 RESOLVE TO PROVIDE FOR AN INVESTIGATION AND REPORT RELATIVE TO THE PRICE OF GAS AND TO THE RATE OF DIVIDENDS TO STOCKHOLDERS OF GAS COMPANIES.

Investigation
as to price
of gas and
dividends of
stockholders,
etc.

Resolved, That the governor be authorized and requested to appoint, with the advice and consent of the council, two persons, citizens of the Commonwealth, who shall serve with the members of the board of gas and electric light commissioners as a committee to consider the automatic and interdependent adjustment of the price of gas to consumers and the rate of dividends to stockholders of gas companies, under what is known as the London sliding scale, with special reference to the expediency of applying that scale to the gas light companies in the city of Boston and the town of Brookline. The chairman of the board of gas and electric light commissioners shall be chairman of the said committee. The committee may incur such reasonable expenses as may be authorized by the governor and council. Before incurring any expense, the committee shall estimate its probable amount and submit the estimate to the governor and council for their approval, and no expense shall be incurred by the committee beyond the amount so estimated and approved. The members of the board of gas and electric light commissioners shall serve without compensation, and the two additional members of the committee

shall receive such remuneration as shall be fixed by the governor and council. The committee shall report to the general court on or before the second Wednesday in January in the year nineteen hundred and six, with such recommendations for legislation as it may deem expedient.

Approved May 25, 1905.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE
TAUNTON INSANE HOSPITAL. Chap.102

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-six thousand and fifty-five dollars, to be expended at the Taunton insane hospital, under the direction of the trustees thereof, for the following purposes: — For finishing and furnishing the attic of the house for male nurses, a sum not exceeding thirty-eight hundred dollars; for alterations of and additions to the rear centre building, and for installing and equipping therein a cold storage plant, a sum not exceeding sixteen thousand dollars; for raising the roof and constructing an additional story in the old boiler house, a sum not exceeding five thousand dollars; and for completing the electric lighting plant, a sum not exceeding eleven thousand two hundred and fifty-five dollars.

Approved May 26, 1905.

RESOLVE TO PROVIDE FOR THE ACCEPTANCE BY THE COMMON-
WEALTH OF CERTAIN CONDITIONS RELATIVE TO THE IM-
PROVEMENT OF TOWN RIVER AND OF WEYMOUTH FORE RIVER. Chap.103

Resolved, That the conditions set forth in the act of congress known as the river and harbor bill, and approved March the third, nineteen hundred and five, which requires that the sum appropriated by congress by said act for completing the improvement of Town river and of Weymouth Fore river in this Commonwealth, shall not be expended until the secretary of war shall have received satisfactory assurance that the improvement of that part of the Weymouth river, which lies above the improvement provided for by the said act of congress, and also the improvement of the Town river, except so much thereof as is provided for by the said act, shall hereafter be maintained by the Commonwealth of Massachusetts or other

agency without expense to the government of the United States, are hereby accepted, and the said conditions shall be observed by the Commonwealth in accordance with the terms of the act of congress aforesaid.

Approved May 26, 1905.

Chap.104 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE
MEDFIELD INSANE ASYLUM.

Medfield
insane asylum.

Resolved, That the trustees of the Medfield insane asylum are hereby authorized to expend, out of the Medfield Insane Asylum Fund, a sum not exceeding thirty-nine thousand dollars, for the following purposes: — For constructing, of wood, and furnishing three cottages for employees, a sum not exceeding fifteen thousand dollars; for constructing a building and installing and equipping therein a cold storage plant, a sum not exceeding eighteen thousand dollars; for continuing improvements on the asylum grounds, a sum not exceeding one thousand dollars; and for finishing off the attic of one dining room building, a sum not exceeding five thousand dollars.

Approved May 26, 1905.

Chap.105 RESOLVE RELATIVE TO THE HEIRS OF ELISHA N. PEIRCE.

Heirs of
Elisha N.
Peirce.

Resolved, That the secretary of the Commonwealth shall convey to the heirs of Elisha N. Peirce, of the rights conveyed to the Commonwealth by the deed of said Peirce dated July twenty-seven, nineteen hundred and three, the right to use the tracks, coal pockets and trestles on the first forty-five feet of trestle lying northerly of the location of the fence named as a southerly bound in said deed: *provided, however*, that the said heirs of Peirce shall first convey by valid title to the Commonwealth the right to construct, maintain and use tracks, coal pockets and trestles on an additional forty-five feet of land lying northerly of said land over which said rights were granted to the Commonwealth together with a valid right of way from the public streets; all such rights so to be conveyed to the Commonwealth to continue for its benefit for so long a time as the premises conveyed by the Commonwealth hereunder shall be used as aforesaid; and *provided*, that said additional trestle and coal pockets shall be built

within the original appropriation of seventy-five hundred dollars, and *provided, further*, that said conveyances shall be drawn and approved by the attorney-general.

Approved May 26, 1905.

RESOLVE TO PROVIDE FOR AN INVESTIGATION RELATIVE TO
THE ESTABLISHMENT OF A BRANCH STATE PRISON ON NASH-
AWENA ISLAND.

Chap. 106

Resolved. That the governor and council are hereby requested to investigate the question of providing for the establishment of a branch state prison on Nashawena island, and, at such other place or places as they deem advisable, taking into consideration the questions of a water supply, dredging out the harbor, building a break-water, the cost and maintenance of a boat, the kind and cost of the building material, the total cost of the proposed buildings, the probable price which can be secured by the sale of the old state prison in Boston, and all other matters properly relating to the final removal of the state prison from its present location to the new location. They are authorized to employ architects and experts and to incur such expenditures as may be necessary, and may expend for this purpose a sum not exceeding five thousand dollars, and shall report to the next general court not later than the fifteenth day of January next.

Investigation
as to estab-
lishing a
branch state
prison, etc.

Approved May 26, 1905.

RESOLVE RELATIVE TO THE JAMESTOWN TER-CENTENNIAL
EXPOSITION.

Chap. 107

WHEREAS, The United States by an act of congress has determined it to be desirable to commemorate, in a fitting manner, the first permanent settlement of English speaking people on the American continent, made at Jamestown, Virginia, on the thirteenth day of May, in the year sixteen hundred and seven, and is to hold, in the year nineteen hundred and seven at Hampton Roads, Virginia, an international naval, marine and military celebration, beginning on the thirteenth day of May and ending not later than the first day of November in the year nineteen hundred and seven; and

Jamestown
Ter-Cen-
tennial Exposi-
tion.

WHEREAS, The state of Virginia by an act of its general assembly did provide for the celebration of said event,

by the holding of an industrial and historical exposition, on the shores of Hampton Roads contemporaneously and in conjunction with the celebration inaugurated by the United States government; and

WHEREAS, The Commonwealth of Massachusetts has been invited to participate in said exposition and to exhibit to the world the prominent part that it has taken in the historical development of the nation, therefore be it

Board of
managers of
the Louisiana
Purchase
Exposition.

Resolved, That the board of managers of the Louisiana Purchase Exposition for Massachusetts, who are now in charge of the exhibit of the Commonwealth at the Lewis and Clark Centennial Exposition at Portland, Oregon, be authorized and requested to report to the next general court not later than the fifteenth day of January in the year nineteen hundred and six, if in their judgment it is desirable that the invitation extended be accepted; and, if their report is favorable, to submit recommendations as to the part Massachusetts should take in the national celebration and the industrial and historical exposition planned by the state of Virginia. The members of the board of managers shall receive no compensation for their services but may be allowed actual travelling expenses in the discharge of their duties. For carrying out the provisions of this resolve there may be expended, under the direction of the governor and council, a sum not exceeding one thousand dollars, to be allowed and paid from the appropriation authorized by chapter forty-two of the resolves of the year nineteen hundred and three, being a resolve entitled "Resolve relative to the Louisiana Purchase Exposition."

Approved May 26, 1905.

Chap. 108 RESOLVE TO DIRECT THE BOARD OF HARBOR AND LAND COMMISSIONERS TO BUILD A STONE BREAKWATER OFF THE TOWN OF REVERE.

A breakwater
to be built
off the shore of
the town of
Revere.

Resolved, That the board of harbor and land commissioners is hereby authorized and instructed to build in the town of Revere, off the shore, north of Cherry island bar and east of Eliot circle, a stone breakwater of such size and character as will be sufficient to provide a safe anchorage for yachts and also to protect the shore and shore property from damage by the sea. The exact position of the breakwater shall be determined by the board.

The said board may take, by purchase or otherwise, on behalf of the Commonwealth, any land or materials necessary for constructing the said breakwater, and the manner of such taking and of determining the damages caused thereby or by any acts of the board under the provisions of this resolve, shall be the same as is provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking of land by the metropolitan park commission; and the said board shall, for the purposes of this resolve, have all the powers conferred upon the metropolitan park commission by the aforesaid sections. The damages when finally determined shall be paid from the treasury of the Commonwealth to the persons entitled thereto. A sum not exceeding twenty-five thousand dollars may be expended in carrying out the provisions of this resolve. Any further expense necessary to the complete construction of a breakwater in the aforesaid location, after the expenditure of the sum of money hereby authorized, shall be incurred and borne by the town of Revere, or by the citizens thereof.

A breakwater
to be built
off the shore of
the town of
Revere.

Approved May 26, 1905.

RESOLUTIONS.

RESOLUTIONS UPON THE DEATH OF WILLIAM CLAFLIN.

On the death
of William
Claffin.

Resolved, That in the death of William Claffin the Commonwealth mourns the loss of a statesman whose long continued public service was of the greatest value, and whose private life was above reproach.

A member of the general court for many years and finally president of the upper branch, he became lieutenant governor and subsequently chief executive, to which offices he was re-elected for many successive terms; and for four years he represented the Commonwealth in the congress of the United States with ability and distinction.

He courageously upheld the principal of anti-slavery in a part of the country where the lives of its advocates were in jeopardy, and contributed bountifully of his strength and resources to the upholding of the cause of freedom. He was a personal friend of Lincoln, and, like him, he stood for the equal rights of all mankind. Throughout his long life he was impelled by the highest motives of humanity and patriotism.

In all public positions he exhibited the same qualities that had brought him success in private enterprises: untiring energy and industry, natural executive capacity, which enabled him to transact business with great rapidity and singular correctness; unusual care and caution in entering upon any undertaking, whereby difficulties were avoided; uncompromising rectitude; and firmness of purpose united with gentleness of spirit.

When at length he withdrew from the duties of public office, he lived not unto himself, but transferred his activities to those religious, educational and philanthropic channels, into which his generous nature and broad and liberal spirit led him.

His career and example are a stimulus to all who cherish high ideals. Those seeking for true success and enduring fame may well emulate his life, the record of which will be a perpetual ornament upon the pages of our history.

Resolved, That these resolutions be entered upon the journals of the two branches, and that an engrossed copy be sent to the family of Mr. Clafin, with the respectful and profound sympathy of the senate, the house of representatives, and, through them, of the Commonwealth.

In Senate, adopted, January 25, 1905.

In House of Representatives, adopted in concurrence, January 30, 1905.

RESOLUTIONS RELATIVE TO THE ESTABLISHMENT OF A NATIONAL HOSPITAL OR COLONY FOR THE CARE AND TREATMENT OF PERSONS AFFLICTED WITH LEPROSY.

Resolved, That the general court of the Commonwealth of Massachusetts favors such action by the congress of the United States as will provide for the establishment of a national hospital or colony for the care and treatment of persons afflicted with leprosy.

Establishment of hospital, etc., for the care of persons afflicted with leprosy.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of congress, and also to the senators and representatives in congress from this Commonwealth.

In Senate, adopted, February 21, 1905.

In House of Representatives, adopted in concurrence, February 27, 1905.

RESOLUTIONS REQUESTING CONGRESS TO CONSOLIDATE THE PRESENT THIRD AND FOURTH CLASS RATES OF POSTAGE.

Resolved, That the general court of Massachusetts favors an amendment to the rules and regulations of the post office department of the United States government to the effect that what is now known as third and fourth class matter be consolidated at the postage rate of one cent for each two ounces or fraction thereof.

Consolidation of certain rates of postage.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding offi-

cers of both branches of congress, and also to the senators and representatives in congress from this Commonwealth.

In House of Representatives, adopted, February 21, 1905.

In Senate, adopted in concurrence, March 1, 1905.

RESOLUTIONS RELATIVE TO THE TRANSFER OF THE LIFE SAVING SERVICE TO THE NAVY DEPARTMENT.

Transfer of
life saving
service to the
navy
department.

Resolved, That the general court of Massachusetts favors the transfer of the life saving service to the navy department and requests the senators and representatives from Massachusetts in the congress of the United States to favor legislation for accomplishing this purpose.

Resolved, That a copy of these resolutions be sent to each member of congress from the Commonwealth of Massachusetts.

In Senate, adopted, March 14, 1905.

In House of Representatives, adopted in concurrence, March 17, 1905.

RESOLUTIONS RELATIVE TO RATES OF TRANSPORTATION ON RAILROADS.

Rates of
transportation
on railroads.

Whereas, Experience has shown that the differential railroad rates charged by the trunk lines on freight from interior points in the United States to the Atlantic seaboard, which were originally intended to equalize through rates by competing railroad and steamship lines from western points to foreign ports, now permit of the establishment and maintenance of lower through rates by way of the ports of Philadelphia, Baltimore and Newport News than by the port of Boston, thus diverting from Boston a large amount of export freight, which, under equal conditions as regards railroad rates, would otherwise come over New England lines, and causing thereby serious injury to the commerce of this Commonwealth; therefore,

Resolved, That the general court of the Commonwealth of Massachusetts favors the abrogation of these differential railroad freight rates, which discriminate against our principal port as a point of export, and cordially approves the action taken before the interstate commerce commission and elsewhere by citizens of this Common-

wealth to secure an equitable adjustment of railroad rates to the end that Boston may be able to secure its fair share of export traffic.

Resolved, That a copy of these resolutions be sent to each of the senators and representatives from this Commonwealth in the congress of the United States.

In Senate, adopted, March 14, 1905.

In House of Representatives, adopted in concurrence, March 21, 1905.

RESOLUTIONS RELATIVE TO AN AMENDMENT OF THE NATIONAL CONSTITUTION ENABLING CONGRESS TO ENACT LAWS REGULATING THE HOURS OF LABOR.

Resolved, That in the opinion of the general court of Massachusetts it is desirable that the constitution of the United States should be so amended as to place it clearly within the power of congress to enact laws regulating the hours of labor in the several states according to some uniform system; and the senators and representatives of this Commonwealth in congress are hereby requested to use their influence to secure the adoption of a resolution proposing such amendment to the constitution.

Enactment of laws regulating the hours of labor.

Resolved, That properly attested copies of these resolutions be sent to the senators and representatives in congress from this Commonwealth.

In Senate, adopted, March 15, 1905.

In House of Representatives, adopted in concurrence, March 21, 1905.

RESOLUTIONS ON THE DEATH OF THE HONORABLE GEORGE S. BOUTWELL.

Resolved, That, in the death of the Honorable George S. Boutwell, the Commonwealth has lost a citizen who, during a long life devoted to her welfare, filled the most important offices within her gift; faithfully discharged the trusts committed to him, and entitled himself to a place among the most eminent of her sons.

On the death of George S. Boutwell.

The nation has lost a statesman whose services to the Union in hours of peril and darkness were of lasting benefit to the whole country.

The community has lost a veritable tribune of the people, a patriot uncorrupting and incorruptible, a citizen whose private life was without stain and whose social and neighborly qualities endeared him to all.

George S. Boutwell was a skilful administrator, an experienced and fearless legislator, a zealous official, untiring in his work, an orator of persuasive power, a publicist of wide repute, a public servant commanding the respect and confidence of all classes.

The nation, the Commonwealth, the people of the whole country, mourn his loss and revere his memory.

Resolved, That an engrossed copy of these resolutions be transmitted to the family of the deceased.

In Senate, adopted, March 17, 1905.

In House of Representatives, adopted in concurrence, March 24, 1905.

RESOLUTIONS RELATIVE TO THE REMOVAL OF THE DUTY ON HIDES.

Removal of
the duty on
hides.

Resolved, That the general court of Massachusetts favors such action by the congress of the United States as will cause the removal of the duty upon hides.

Resolved, That a copy of these resolutions be sent to each of the senators and representatives in congress from this Commonwealth.

In Senate, adopted, March 21, 1905.

In House of Representatives, adopted in concurrence, March 24, 1905.

RESOLUTIONS RELATIVE TO THE ESTABLISHMENT OF FREER TRADE RELATIONS BETWEEN THE UNITED STATES AND CANADA.

Freer trade
relations
between the
United States
and Canada.

Resolved, That the general court of Massachusetts favors such action by the congress of the United States as will cause the establishment of freer trade relations between the United States and the Dominion of Canada and between the United States and Newfoundland, as soon as it is possible to secure such relations without injury to American agriculture, American labor or American industries, and without sacrificing the American policy of

protection to American industries, under which not only the manufacturing, but also the agricultural and mercantile interests of the Commonwealth have largely prospered. The test of protective legislation however should not be "is a duty demanded?" but "is a duty needed?"

The general court approves the action recently taken unanimously by the members of the delegation from this Commonwealth in the congress of the United States, favoring the re-adjustment of the tariff at the earliest possible time, and it relies with confidence upon them to do all that may properly be done to protect and advance all the interests of Massachusetts when the work of readjustment shall be undertaken by the National congress.

Resolved. That a copy of these resolutions be sent to each of the senators and representatives in congress from this Commonwealth.

In Senate, adopted, March 22, 1905.

In House of Representatives, adopted in concurrence, March 27, 1905.

RESOLUTIONS UPON THE DEATH OF GENERAL FITZHUGH LEE.

Resolved, That in the death of General Fitzhugh Lee the general court laments the loss of one who had done much to preserve and increase the traditional friendship between Massachusetts and Virginia, and whose strong character and kindly manners had endeared him to those citizens of Massachusetts who had the honor of making his acquaintance. As a brave and skilful soldier who twice wore the uniform of the United States, as the representative of our government at Havana in a time of peculiar danger and difficulty, as a firm and patriotic upholder of a reunited country,—in all these capacities, and especially in the last one, Massachusetts honors General Fitzhugh Lee, and joins with Virginia in regret and sorrow at his death.

On the death
of General
Fitzhugh Lee.

Resolved, That these resolutions be placed on the records of the general court, and that an engrossed copy be sent to the family of the deceased.

In House of Representatives, adopted, May 5, 1905.

In Senate, adopted in concurrence, May 10, 1905.

The general court of 1905, during its annual session, passed 479 acts and 108 resolves which received the approval of his excellency the governor.

An act entitled "An Act to authorize the town of Natick to erect a municipal building and to borrow money therefor", was laid before the governor for his approval and was returned by him, with his objections thereto, to the senate, the branch in which it originated; was reconsidered, agreeably to the provisions of the constitution, and the vote being taken on passing the same, it was passed by both branches, the objections of the governor thereto notwithstanding, and thereby has the force of a law. (Chapter 439.)

Three acts, entitled, respectively, "An Act to incorporate the Massachusetts Casualty Company", "An Act to authorize the city of New Bedford to incur indebtedness beyond the limit fixed by law and to issue bonds, notes or scrip therefor", and "An Act to authorize the payment of money to certain veterans of the civil war", were passed and laid before the governor for his approval, and were returned by him, with his objections thereto, to the branch in which they originated; were reconsidered, and the vote being taken on passing the same, the objections of the governor thereto notwithstanding, they were rejected, two thirds of the members of both branches of the general court not voting in the affirmative.

The general court was prorogued on Friday, May 26, at 6.15 P.M., the session having occupied 143 days.

INAUGURAL ADDRESS

OF

HIS EXCELLENCY WILLIAM L. DOUGLAS.

At twelve o'clock on Thursday, the fifth day of January, his excellency the governor, accompanied by his honor the lieutenant governor, the members of the executive council, and officers of the civil and military departments of the government, met the senate and house of representatives, in convention, and delivered the following

ADDRESS.

Members of the General Court.

With gratitude to the people and a full realization of the responsibilities placed upon me I enter upon my duties with the determination to be the chief executive of all the people of the state, and to do all within my power to promote the welfare of the Commonwealth and its inhabitants.

The problems of statecraft are so numerous and far reaching that it is with the greatest difficulty that the good are sifted from the bad measures and enacted into laws. This is a work occupying the best energies of our greatest minds, and each year shows the beneficent results of study for the advancement of our people.

I wish to urge upon you at the outset the avoidance of so-called class legislation, — that is, legislation calculated to benefit one portion of our citizenship at the expense of another. In its broadest and most emphatic sense no general legislation should be enacted that does not distribute burdens and benefits equally upon all.

It is my hope and belief that your honorable bodies are fully in accord with me in this declaration, and that

we shall now proceed with the people's business, and so conduct it that our record here will add another to the many bright pages of the state's history.

DEFENCE OF PUBLIC RIGHTS.

The executive department of the government should not only treat with consideration all grievances of the people, but should take the initiative in securing justice where real cause of complaint is found to exist. The influences which menace the popular rights are always powerful and well organized, while the wrongs inflicted fall upon individuals, who cannot defend themselves without like organization. The executive elected by the people should be alert and active in providing such defence, and I desire to signify my intention to exercise to such an end all the powers vested in me and my subordinates.

MEMORIAL TO THE LATE GEORGE FRISBIE HOAR.

In the year just closed Massachusetts has suffered by death the loss of one of its honored sons, — George Frisbie Hoar, for many years a senator of Massachusetts in the congress. His life work was devoted to our people, and in his passing every son of Massachusetts delighted to pause and record his admiration for one of nature's noblemen, — an honest man.

I recommend to you the appointment of a joint committee for the purpose of devising a permanent memorial to the life and character of the late Mr. Hoar, and ask of you to appropriate such money as is necessary.

I also recommend that joint action be taken setting aside a day of the general court when tributes to his memory may be paid in this hall by those who knew and loved him best.

REVENUES AND EXPENDITURES.

Rough estimates received from the auditor indicate that the regular running expenses of the state government in 1905 will be \$10,372,439 and the total available revenue \$7,250,000, leaving an estimated deficit of \$3,122,439. This deficit will be increased by all appropriations which may be made by the legislature for other than ordinary running expenses.

Unless other sources of revenue are provided the state tax must be made to yield over \$3,000,000. To do this the tax will have to be increased fully 20 per cent above what it has been in former years.

The reason for this great increase in expenditures is that the state is now caring for the insane, formerly cared for by cities and towns. This transfer of the insane has increased the state expenses fully \$1,100,000. The very high cost of fuel, food and clothing is responsible for much of the remaining increase.

These statements not only indicate the great necessity for economy in administration, but that enterprises requiring appropriations of consequence should be entered into with extreme caution. The state debt is now too large; it should not be increased for any but the most extraordinary purposes.

THE TWELVE-DOLLAR TAX LIMIT.

The law limiting the tax rate in cities and towns for local purposes to \$12 on each \$1,000 of assessed value is producing bad results. From information obtained from about half of our cities it appears that the rate is so low that the majority of our municipalities are unable to live inside of this limit and conduct their affairs as the people want them conducted. As a result, all kinds of devices are resorted to in order to obtain sufficient revenue.

Some cities are taking money from water rates to keep them within the \$12 limit. Others receive money from liquor licenses. Others are obliged to make permanent loans to pay current expenses, and to refund present debts, which is bad policy.

In at least one city the assessed value of real estate has been pushed up until residential property is assessed for fully 50 per cent more than its market value. Some cities have asked for and obtained special legislation abolishing this tax limit for a period of years.

In some way nearly all of our cities appear to be hampered by this law, which makes it more difficult and expensive for those that cannot exist within this limit to obtain the additional funds.

I would urge that the legislature make a thorough investigation of this question, and devise some reasonable method of relieving the cities unable legitimately to comply with the law as it now stands.

STATE CONTROL OF LOCAL POLICE.

In 1885 a departure was made from the time-honored and successful system of local self-government, and the control of its own police was taken from the city of Boston and vested in a commission appointed by the governor.

The assumption of this power by the Commonwealth has resulted in no good to it, or to any party in it, and the Commonwealth should acknowledge the fact.

I recommend a return to the principle of home rule by the enactment of a law restoring to Boston and Fall River, respectively, the control of their own police forces.

Under existing law each city and town decides whether liquor shall or shall not be sold within its limits, and the application of this principle could well be extended so as to include the right of decision by the voters in the several cities and towns of the hours in which innholders therein can serve intoxicating liquors to their guests.

MASSACHUSETTS AND THE TARIFF.

I desire to call your attention to a matter that, while more national than local, and while it is one over which your body has no control, is yet of vital importance to this Commonwealth.

Massachusetts' industrial greatness is due in a measure to her natural opportunities but more largely to her freedom of trade with the other states, to her sturdy, hard-working, frugal, skilful, intelligent, honest and patriotic people, and to her good government.

We must however realize that conditions are changing, and that it is unsafe for Massachusetts to stand still and to depend entirely for industrial success upon the same factors that have in the past kept her to the forefront. I believe that our wide-awake New England people appreciate this situation, and I expect to see them solve these new problems as they have previously solved others.

Cost of Living. — Since the passage of the present tariff law, in 1897, the cost of living has increased about 38 per cent. As prices have not risen half as much in England since 1897, it is fair to suppose that a large part of the increased cost of living in this country is due to the tariff law.

High Wages Not a Handicap.—The flow of manufactured goods the world over demonstrates that high daily and weekly wages are not a real handicap to our industries. Everywhere, with but few exceptions, we see those manufactured goods requiring the most labor, and in which the percentage of labor cost is greatest, flowing from the high to the low wage countries. Our exported wheat sown, harvested, threshed and ground by labor receiving from one to three dollars per day, competes in England with wheat from Russia and India, grown and harvested by labor receiving from twenty to fifty cents per day. It would seem to be almost a law of trade that high wages and low labor cost go hand in hand.

Massachusetts Industries Overburdened.—Because of her isolated condition as to materials and food supplies Massachusetts feels the burden of tariff taxes more than most other states. Against these taxes she is now vigorously protesting. The situation in Massachusetts is also peculiar because of her great extent of seacoast and her numerous harbors, making it cheaper to bring in imported goods than it is to transport them to the central and western states. Naturally, then, she would draw on Canada and other foreign countries for many of her materials and supplies.

Deprived of the benefits of natural access to foreign supplies by the high duties of the tariff, which tend to prohibit imports, she is compelled to pay excessive prices for most materials and for some foods and other supplies which she obtains from the interior states. Boston is the natural seaport for Montreal and eastern Canada, but here again the present tariff laws interfere and deprive our greatest city of the benefits of her location.

Reciprocity with Canada.—Whether relief from these tariff taxes be granted to us through legislation reducing tariff duties, or through reciprocal trade treaties with Canada and other countries, is less important than that it be immediate. If it be true, as claimed by many, that we have waited too long, and that Canada will no longer treat with us, then we of Massachusetts have the right to expect the revision of our tariff laws, regardless of those of any other country.

But I am not convinced that it is too late to obtain something of value from Canada by means of a fair reciprocity treaty. The mutual advantages to both countries

from a proper reciprocal trade arrangement would be so great that it should not be difficult to negotiate such a treaty. Is it not fair to suppose that if the representatives of these two great nations can come together, unfettered by obligations to special interests and concerned only in the welfare of their countries, they will be able to negotiate treaties of great advantage to both countries?

Industrial Commission. — Appreciating that the tariff is primarily a national issue, I am also of the opinion that it affects different localities in different ways, and that it is impossible for any body of legislators, even if disposed to consider only the public welfare, always to determine definitely what legislation will result in the greatest good to the greatest number of our citizens. So many issues are presented at our national elections, and the personalities of the opposing candidates for president and for the congress so greatly influence the electorate, that our national legislators are seldom certain of the opinions of a majority of our voters on any issue. It is, therefore, it seems to me, not only proper, but desirable, that a state should, at any time it may see fit, express itself upon any national question and request its representatives in congress to vote for what it considers its own best interests.

To determine as accurately as possible the nature and extent of the great injury which, as I believe, is inflicted upon our Commonwealth by excessive tariff taxes; to suggest a remedy or remedies; and to put this knowledge before our citizens and our representatives in congress, I ask of the general court authority to appoint a commission to inquire into and report upon the effect of the present tariff laws upon Massachusetts' industries.

This commission should be empowered to hold hearings, and, if necessary, to obtain statistical and other information from without the Commonwealth. It should be required to make a final report not later than April 1, 1905. It should consider the advisability of a referendum vote on one or more of its conclusions, — the primary object of such vote being to obtain an expression of opinion from the people for the information and guidance of our representatives in the congress.

The importance of knowing our own tariff needs, and the possibility of thus influencing national legislation in

our favor, are so great that the small cost of such a commission should hardly be considered.

Free Hides and Coal. — The present high and rapidly advancing prices of leather are weighing heavily upon Massachusetts' greatest industry, — that of boots and shoes. So great has been the advance in the cost of making shoes that manufacturers must soon increase their prices or use cheaper and inferior materials, and thus reduce the quality of their goods. The small margin for profits in many establishments, and the difficulty of holding trade if the prices of goods are advanced or their quality cheapened, causes great anxiety to many of our manufacturers.

Confronted by these conditions the prompt removal of the duty on hides is necessary to relieve our boot and shoe manufacturers from a most distressful condition. It is evident from recent and present quotations of cattle, beef and leather, that the farmers and cattle raisers are not benefiting from the duty of fifteen per cent on hides. While the prices of cattle are very low, and have been comparatively low the greater part of the time since the hide duty was levied, the prices of beef and of leather are extremely high. But, although our farmers have received no benefit from the fifteen per cent duty on hides, they have by it been compelled to pay higher prices for shoes and harnesses. They, also, would benefit by the removal of the duties on hides and leather. It may have been true, years ago, before the great majority of cattle were slaughtered by the beef packers, and when the hides were not sold on the cattle's backs, that a duty on hides would have protected and benefited farmers and cattle raisers; but it is not so to-day.

In the language of one of our prominent leather dealers, who is also a representative of large tanning interests: — "Our facilities for manufacturing shoes are far superior to those found in any other country. To keep them fully employed we need conditions favorable for export of finished shoes, and the opportunity to obtain the raw material at a cost no higher than other manufacturing nations. The present high tariff in its practical working has utterly failed to benefit the producer of the hide or show a revenue for the government. It is an impediment in the path of one of the greatest business interests of the coun-

try, and there will be no cessation of protest until this especially iniquitous duty has been expunged from the laws of the land."

Coal, the great source of power for our factories and of heat and light for our homes, is one of the essentials to our industrial life. It should be as cheap as possible. The duty of sixty-seven cents per ton on bituminous coal clearly protects both the hard and soft coal combines, especially as regards New England, and enables them to charge our manufacturers and other consumers higher prices for coal. With untaxed coal we would have access to the product of the provinces, and this would compel lower prices for all kinds of coal in this market. The cost of transporting coal from the provinces to Boston is only about half that of transporting it from Pennsylvania or West Virginia to Boston.

Similar arguments might be made in favor of untaxed leather, paper, pulp and carpet wools. The prompt removal of the duties on these materials would result in great and permanent good to important industries of this Commonwealth, and would not, as I believe, result in injury to any important industry deserving of protection. However, as there is opportunity for much discussion as to these duties which would cause delay in congress, I shall not urge all of them upon you for immediate consideration; but being certain that the best interests of Massachusetts demand the immediate removal of the duties on hides and coal, I earnestly urge that you memorialize congress to remove these duties at the present session.

LABOR LEGISLATION.

In no Commonwealth of the Union is such a large proportion of the people engaged in industrial pursuits as here in Massachusetts. Upon the intelligence, skill and willingness of the workers depends the supremacy of our manufactures in the markets of the world. Massachusetts in many enlightened labor measures has been the leader of the states; and while much has been accomplished there yet remains more to do. The fear of changed or changing conditions should not turn us from that broad and humane view that the laborer is indeed not only worthy of his hire, but is entitled to the leisure, the opportunity and the necessary income to provide for the present and future necessities of himself and family, to

elevate himself by education into an employer, and by fitness become the instrument to lessen the burden of the ever on-coming toiling masses.

We are unwilling that our intelligent workers should be subjected to the uncontrollable conditions of less progressive states than Massachusetts. Our working people should not be forced to meet these conditions by lowering their standards of living. Therefore it behooves this general court to encourage any and all measures tending to promote a higher or better grade of manufactures within the Commonwealth, to the end that the skill of Massachusetts artisans may be utilized to its fullest extent, and not brought into open competition with the crude product of mills and factories of other states where public sentiment has not been sufficiently aroused to prevent the debasement of those who toil.

The movement for the shorter work day is progressing. Most of the cities and towns of the state are on record as favoring and practicing it; but, singularly, the Commonwealth itself has been backward in adopting such legislation as would place our state in line on this question.

From the mills, factories and workshops in all sections of the Commonwealth there comes an appeal that should not go unheeded. It is the petition of the women and minors for the enactment of a law prohibiting the overtime work in factories and mills after a reasonable hour. To such a measure, framed with due regard for all concerned, I commend your earnest consideration.

Another matter deserving more careful study is the hygienic conditions of our mills and factories. All the necessities for the promotion of good health should be ever present, to enable the worker to labor with best result. The matter of proper ventilation, light and toilet facilities should receive careful study from you.

I also wish to urge upon you the necessity for doing what is possible to secure the enactment by other states of laws similar to those of Massachusetts concerning child labor and the employment of women.

It is because Massachusetts has been foremost of all states in the enactment of laws for the welfare of its workers that she is a leader among the manufacturing Commonwealths. To continue in this course is the duty of you, gentlemen, to whom the electorate has committed the destiny of Massachusetts.

CONCILIATION AND ARBITRATION.

In the enactment of laws, the creation of the necessary board for their execution and the adoption of the principle by those who work and those who pay, Massachusetts leads all states of the Union in conciliation and arbitration of industrial disputes. It is one of the hopeful signs of the times that the demoralizing strike is of less frequent occurrence in our Commonwealth. Industrial peace has reigned almost supreme in those manufacturing centres where this golden rule of commercial conduct has been adopted. Against the old method of strikes stands out this safe and sane method of conciliation and arbitration. By its adoption differences between the employer and employee have been lessened. Its practical effects are evidenced in those communities where the wheels of industry revolve steadily and the full-pay envelope comes along regularly, while differences of opinion are being settled by reason rather than might.

The conciliation branch of the work, which includes trade agreements, the adjusting and composing of difficulties before they reach the acute stage, is as important as the board's other function of arbitration.

The benefits of conciliation and arbitration to the community, the worker and the employer are not as well understood as they should be for the welfare of the Commonwealth, and I trust the general court may devise some method to educate those most vitally interested in the subject to a better understanding of the wisdom of submitting grievances to an impartial board of arbiters; also that you, gentlemen, will favor such legislation as tends to promote the better working of the system already established in the state.

The work of the board can with advantage be extended to include the authority to appoint at its discretion persons whose duty it shall be to make examination and investigation of industrial conditions in localities within the Commonwealth, as directed by the board, to the end that the board may be seasonably informed of matters which may grow into misunderstandings before such shall become controversies, and ultimately, perchance, result in strikes or lock-outs, thus disturbing the industrial peace of the Commonwealth.

INDUSTRIAL AND TRADE SCHOOLS.

No effort should be spared to keep Massachusetts to the front in the industrial world. Since the practical abolition of apprenticeship systems and the specialization of labor in most of our mills and factories, there is but little opportunity for learning a trade. To-day most workers understand but one small part of an industry. Their opportunities for promotion are greatly lessened by this fact, and the difficulty of obtaining men qualified for foremen and superintendents is often great. A practical knowledge of an industry as a whole, and of the sciences upon which it rests, would open the doors to promotion for many bright workers now compelled to work at a machine or bench. If a considerable part of our factory employees had a more comprehensive knowledge of the industry in which they were engaged they would be quicker to appreciate and adopt improvements, we would have better foremen and superintendents, our factories would be better conducted and our industries would make greater progress.

In my opinion the industrial and trades schools are largely responsible for the great advancement made in many industries in Germany and England. We now import millions of dollars' worth of goods that could and should be produced here. Technical knowledge would not only enable our workers to produce these goods at home, but would greatly increase our export trade.

In my judgment Massachusetts made a good investment when it gave financial encouragement to our textile schools and our nautical training school. I believe we should have similar schools in other industries.

I would also suggest the advisability of agricultural schools, where a practical knowledge of horticulture, forestry and of the animal industries shall be taught. Small rural schools of this kind scattered throughout the state and inexpensively conducted would, in my opinion, not only do much to keep the country boys at home, but would cause our New England farms to become as productive and profitable as is possible.

DIRECT LEGISLATION.

I have unbounded faith in the intelligence of our people and their ability to govern themselves. Our colony and Commonwealth have been bred in pure democracy through the town meeting, which has educated the people to the wise conduct of their own business, and has produced local administration as free from corruption or excess as any in the world. There seems no reason why this system should be confined to towns and may not be wisely extended, in certain cases, to the state. Indeed, our Constitution is amended by popular vote directly upon the measure proposed, and if our organic law is thus confided to the direct vote of the people, it would be no innovation if such a vote of popular approval were to be required upon measures of legislation which are clearly inferior in dignity and importance to constitutional amendments.

It is common complaint that our legislatures are not always responsive to the popular will, and it would be quite within the principles of democratic government if, by convenient means, the will of the people should be made effective when legislative measures prove unsatisfactory. Such measures have already been put to the test elsewhere with results uniformly good.

It is difficult to see what objection there can be to such a grant of power to the people over their legislation. As members of the legislature are representatives of the people they should not object if their constituents be given power to reverse or approve their acts. If the objection be made that the people cannot be trusted, such an objection is a denial of the success of popular government as shown by the history of town meetings for more than two centuries.

Especially do I commend the passage of a law giving broad powers to the people of our cities to secure the submission to them of acts of the city councils affecting the interests of the citizens. Such a law would in my judgment do more to purify the state and city governments than any other plan of reform. Any unfair grants of privileges to private individuals and corporations would thus be subjected to popular judgment, and legislatures would become more cautious as they became directly accountable to the popular judgment.

I believe that the public outcry against the prevailing legislative methods is the natural and inevitable result of the granting of valuable franchises by the state, especially those known as public franchises, which derive their value from the necessities of the community. When capital has been invested in these franchises there arises at once, in the nature of things, a conflict between the public, which desires the cheapest and best service, and the franchise owners, whose purpose is to gain profit. It is futile to expect, if the legislature continues the sole distributor of these valuable franchises, that it will not be invaded by men who seek them, or that their possessors will not protect their privileges to the utmost.

If the people are given the right by direct vote to determine whether such franchises shall be granted, and how, within legal limitations, they shall be exercised, the seekers and holders of such franchises will be compelled to meet the popular requirement.

I believe this principle to be wise and salutary, and recommend legislation along these lines.

MUNICIPAL OWNERSHIP.

I recommend legislation giving to cities and towns wider powers in the conduct of business which derives its profit from the necessities of the community. The powers already granted have proved the economy and wisdom of the conduct of such business by the community itself.

Whatever doubts may exist as to the expediency of state or federal ownership of public utilities, the operation of such undertakings by towns and cities has now passed the experimental stage. It has been demonstrated by the experience of towns and cities in this Commonwealth, both with regard to water supply and public lighting, that under favorable conditions and proper management the business of gas, electric lighting and water supply can be conducted by municipal corporations with profit to the inhabitants, both in price and in service.

In many cases of privately owned public-service corporations the rates, fares and prices charged are too high. The public is entitled to reasonable charges for the services of these monopolies. It will be far more likely to obtain service at reasonable prices if it has the right to do business on its own account.

When a public-service corporation is giving good service at fair rates it is not likely to be disturbed. When its rates and prices are unreasonable, it should, in the interest of the public welfare, be disturbed.

It is not disputed that, as a rule, private corporations conduct their business more economically than do public corporations. It is however disputed that the public usually obtains the benefit of this economical management. In most cases, therefore, the publicly owned and operated water works, sewers, gas and electric lighting plants have given the public cheaper and better service than have the privately owned concerns. For these reasons I ask the legislature to give every reasonable facility to those municipalities which desire to conduct their own public-service utilities.

Appreciating the difficulties of obtaining good business management and economical production by municipalities I urge you, when making laws for municipal ownership, to so frame them that the evils of political management will, so far as possible, be eliminated. With proper legislation it should be possible to obtain most of the benefits without any of the evils of privately owned and operated public-service corporations. It may be wise to permit private operation with public ownership.

If, when guarded by as careful and wise legislation as is possible, certain municipalities should fail in their attempt to give better and cheaper service to the public, it will be because the citizens of these municipalities do not insist upon having their municipal plants conducted in a business-like manner. The principle of municipal ownership is sound. In cases where unsatisfactory results are produced the fault is usually to be found in a laxity of administration. I believe that every such franchise taken over by the public relieves the people from possible exaction, practiced for private profit. With the low rates at which municipalities can borrow, and the elimination of dividends, the rates must be inevitably lowered, and the people become alone responsible for the efficiency of the service.

At present the laws offer great obstacles to the assumption of such works by the municipalities.

A necessary change in the law is to provide that when a company offers its plant under the provisions of the statute, the municipality may enter into possession at

once, thus removing the temptation from the company to delay the valuation for the sake of taking extra profits out of the business by letting the plant run down during litigation.

PENAL LAWS.

I ask your attention to our penal system, and in suggesting its modification I trust it is not necessary for me to disclaim any purpose to weaken the dignity of the law or the security of the community. The tendency of modern legislation is toward a broader humanity in the penal system, which, in all its harshness, we took from the mother country.

There is a tendency among those who do not know the lot of the unfortunate to treat offenders against the law with uniform rigor, regardless of the circumstances which may surround them and their offences. I believe that the majority of offenders are creatures of condition and environment rather than of vicious natures, and that just treatment may redeem many when the rigor of punishment may serve not to correct, but rather to confirm, evil impulses.

In domestic and school discipline corporal punishment has been largely displaced by moral suasion, and it seems to me our criminal system has not kept pace with this development. Punishment by imprisonment brands the offender with indelible disgrace and discourages him from redeeming his reputation. The number of convictions in our Commonwealth, according to population, is believed to exceed that of any other state in the Union. This is undoubtedly due to the rigor of our criminal laws and administration, for we cannot believe that the criminal instinct in our Commonwealth is greater than in any other state.

It seems to me that first offences and offences committed by women or the young should, by an established system, be treated as objects of diligent investigation and of indulgent treatment, to the end that the offenders may be rescued from the hopeless lot of criminals.

So far as is consistent with the safety of the community the prison should be only a final resort for the prevention of crime.

With respect to minor offences it seems to me that the widest scope should be given to judges and to charitable

organizations, so that mercy, benevolence, kindness and Christian forgiveness shall be exhausted before the penalties of the law are inflicted. I believe that unfortunates, the hungry, the unemployed and the intoxicated should not be taken to a cell when a door of charity is open to them and improvement may be hoped for without punishment. Some discretion may also fairly be vested in the police to take offenders to their homes rather than to cells, and even to release them under proper safeguards from appearance in court.

There should be diligent inquiry whether or not there are inducements to officers of the law in the fee system of our Commonwealth to bring persons to the courts who might be taken to their homes or to charitable hands, without injury to the community.

A system of laws tending to curb unnecessary arrests and commitments might, it seems to me, encourage charitable institutions to develop as recognized adjuncts of the courts and rescue many an unfortunate from an evil career.

There seems to be an unreasonable provision in the law for the unemployed which deserves correction. When, without work, they loiter on the highways they may be imprisoned therefor, while if they beg for food to keep them alive they are likewise subject to punishment. Such laws seem barbarous and inhuman, and different methods of treatment are demanded.

I would suggest also an inherent evil in the requirement of the law that those guilty of minor offences should stand committed when unable to pay a fine. The commitment of necessity takes away the opportunity to earn money with which to pay the fine, and it seems possible to devise a system by which such minor offenders may be allowed a period of probation in which they may earn the amount of the fine and thus be spared imprisonment.

I urge upon the legislature a broad and humane consideration of this general subject of simple justice, feeling sure that the members will share with me the life-long satisfaction which would follow our successful efforts to lessen the hardship of criminal punishment and save many unfortunates from disgrace and desperation.

EQUAL, UNIFORM AND REASONABLE RATES.

The remoteness of Massachusetts from the sources from which are derived the raw products so necessary to the successful conduct of its numerous and varied manufacturing interests, together with its ever widening distance from the centre of density of the nation's population and markets, brings sharply and constantly to our attention the need of facilities, both in rates and in transportation, as favorable as those accorded to producers and manufacturers of other states. Thus our industries will stand upon a parity with all others in reaching competitive markets, both foreign and domestic. I am aware that this subject is not under control of the legislature of this Commonwealth. I deem it my duty however to suggest the propriety of placing upon record your approval of the efforts of our business and transportation interests to secure for our people equal, uniform and reasonable rates, and the removal of unnecessary discriminations, injurious to our industrial growth and prosperity, from which we suffer as compared with our business rivals at other parts of the country.

GOOD ROADS.

It is hardly possible to say too much in favor of good roads. They benefit every citizen. They add wealth and taxable value to the state. To the farmer they are almost invaluable. They give him easier and cheaper access to markets; they bring rural homes and communities nearer to each other, and thus make farm life more social and pleasant; they increase the value of farm lands.

A permanent system of keeping in repair, as well as of construction, should be decided upon, which will, as soon as possible, make our state highways models of excellence and the pride of future generations. I also commend to your consideration the necessity of devising some more equitable plan for the distribution of the cost of construction and keeping in repair all such roads.

CHANGE IN FINANCIAL YEAR.

I renew the recommendation of my predecessor that the date of closing the financial year be changed from December 31 to September 30. I trust the general court will take such action as is necessary to bring about this very much needed change.

PUBLIC ACCOUNTS.

I recommend that a small sum be placed at the disposal of the governor and council for an investigation of the Commonwealth's method of bookkeeping and accounting by an expert, familiar with modern methods.

THE TAXATION OF FOREST LANDS.

The preservation of our water supply and the profitable use of a great part of the land in this state alike require its devotion to timber culture ; but no such use of land is possible under our present system of taxation. I recommend to your consideration the expediency of legislation which, under proper safeguards, shall provide that lands devoted to forestry shall be taxed only on their product as cut.

SOLDIERS' HOME AT CHELSEA.

My attention has been called to the condition of the Soldiers' Home at Chelsea. It appears that the home was opened in 1881, with a capacity of about 100 ; that it has steadily grown, until now it has accommodations for about 450. This capacity is exhausted at present, there being only about 25 vacant beds, and more than that number of furloughed men likely to return at any time and occupy them. Applications for admission must necessarily be denied while this state of things exists. The prospect is, of course, for a greater rather than a lesser demand for accommodations, as the soldiers grow older and less able to support themselves.

About one third of the members of the home are in the hospital, and the proportion is rapidly increasing. The hospital facilities are entirely overtaxed. There is great need that something should be done to obviate the diffi-

culties attending the care of so many invalids among the old soldiers.

At one time, by the rules of the institution, in many cases a portion of the pensions coming to the men was used to assist in the expenses of conducting the home; but during the present year a law of congress operates to prevent the use of the pensions for that purpose.

The increasing expenses, and the increasing demand for facilities at the home and at the hospital, call for some measure of relief to aid the authorities there in carrying out the purpose for which it has been fostered and encouraged. Some of the officials of the grand army of the republic have devoted their attention and thought to the interests of the home, and are sorely puzzled as to ways and means of preserving it, and of adding to its facilities.

Massachusetts has always done her full duty to her soldiers, and has always kept in mind their welfare and well-being. That policy should certainly be borne in mind in considering what should be done at this time in behalf of those men who deserve so much from the Commonwealth whose honor they upheld.

OBSERVANCE OF OLD-HOME WEEK.

To all who have concern for the welfare of the Commonwealth the general and hearty acceptance by the people of Massachusetts of the annual old-home week observance is a most encouraging symptom. This admirable institution has already shown itself to be a potent factor in the awakening of local public spirit and civic pride, and it should be fostered in every legitimate way.

Any movement which at regular periods brings back to our state considerable numbers of its 300,000 sons and daughters who have made new homes elsewhere is to be commended, inasmuch as such visits must unfailingly benefit in both a sentimental and a material way every community receiving them.

These yearly gatherings of present and former residents, resulting in the mutual renewal of old ties and associations, the reawakening of fond memories of youth and the kindling anew of loyalty to the old home, unquestionably make for a higher life and a broader civilization.

Under the act of 1902, cities by their city councils, and towns at legal town meetings, may appropriate money for

the observance of old-home week, that beginning with the last Sunday in July of each year.

It is to be hoped that every city and town in the Commonwealth will avail itself of the privilege and make the helpful and inspiring old-home week reunion a permanent feature of its life.

ISOLATED PRISON FOR CONSUMPTIVE CRIMINALS.

In the prisons there are always some inmates who are afflicted with consumption or suffering with ailments allied to that disease. As a rule the officials do everything in their power to protect the health of prisoners from the danger of communication, but under best conditions it is impossible to prevent these cases from being a menace to the health of other inmates, because all must of necessity dwell near together. Moreover, it is not practicable in a prison to give proper treatment to sufferers from this disease; and it is essential to the public health that while they are under imprisonment as much as is possible should be done to arrest the progress of the disease. Some of the larger prisons have well equipped hospitals, but even these do not afford sufficient means of isolation, and in no prison are the opportunities for outdoor employment and exercise adequate to a systematic course of treatment.

It would greatly improve the condition of all the prisons where this disease occurs if a prisoner suffering from it could at once be removed to a place specially provided for the treatment of consumption. From a general survey it appears that there are now about 80 cases of consumption in all the prisons. A suitable place for the detention and treatment of 100 such cases could be made at small expense either on the land owned by the state in Rutland, or elsewhere, and I ask of you careful consideration of this matter.

EMPLOYMENT FOR SHORT TERM CONVICTS.

Many of the short term men in the county houses of correction might be employed in reclaiming waste and unimproved lands, a labor which will never be invested from any other source. This experiment is now on trial by the state at Rutland, and has been successfully tried at the state farm at Bridgewater. No wage earner can

afford to clear land in Massachusetts as his only means of a livelihood, and at the outset the proposition is one which eliminates at once competition with free labor.

Experts in the management of great prisons recommend that the houses of correction go into the business of reclaiming waste land. Some of them can find plenty of land for this purpose within daily transportation limits. Others might need to operate a sub-station. It would no doubt be inexpedient to work all the prison population in this way, for there are vicious men in the population who cannot be thus handled with safety to the public; there are others physically unfit, but it is estimated that nearly one half of the population in the houses of correction could be so employed. No estimate of financial profit or loss of the undertaking is attempted, but I think we may be assured without argument that there would be a moral and physical profit, and every acre of our soil redeemed from waste would have a value indestructible, whatever may have been its cost.

VOTING MACHINES.

In several states voting by machinery has stood the test of successful experiment, reducing the liability of error and facilitating the work of totalizing the result. As yet Massachusetts has not interested itself in election machinery, and I would therefore recommend the subject to your consideration.

CIVIL SERVICE.

I recommend that the civil service law, giving equal opportunity to all citizens for admission into and promotion in the civil service, shall be extended, to the end that all salaried appointive positions to which the purposes of the law may be found applicable, in the Commonwealth, in the counties of the Commonwealth, and, with the consent of the mayors, in cities, may from time to time be included within its scope. Many of these positions cannot now be placed under the civil service rules without an amendment of the law.

I desire briefly to call your attention to certain suggestions relating to some of the departments:—

STATE INSTITUTION FOR THE INSANE.

In order to gradually relieve the overcrowded condition of the state institutions for the insane something should be done each year in excess of the minimum requirement. On the first day of October there were 1,650 beds in use in corridors and day rooms, of which 956 had to be removed each morning and stored for the day, in order to allow sufficient day space for patients. This is at least 100 fewer than a year ago. Appropriations should be made to provide additional accommodation in connection with existing state institutions for the insane, for 500 patients.

The need of extension of accommodation in connection with the Massachusetts School for the Feeble-minded at Waltham is very urgent. There are 500 to 1,000 feeble-minded children awaiting admission to such an institution. During the past year there have been 240 applications for admission to this school. Only a few of these could be admitted, owing to the lack of accommodations for them.

These feeble-minded children urgently need the care and supervision of such an institution. They are growing up ignorant and idle, and will eventually get into almshouses, insane asylums or prisons, unless they are put under training which will improve them and make them useful in doing the ordinary work about an institution, and, in a few cases, allow them to return to useful work at home.

The trustees of the school for the feeble-minded will ask for an appropriation to erect two new buildings, each accommodating 100 patients, and it is a matter requiring your prompt consideration.

MILITIA.

The organized militia of the Commonwealth is an important branch of the public service. It is composed of active and enthusiastic young men who have the good of the service at heart, and who should be encouraged in every way to attain the highest possible ideals.

I have asked the war department to detail Lieut. Gen. Nelson A. Miles, U. S. A., retired, to report to me under the provisions of the "Dick act," so-called, and I have

been notified by the secretary of war that the request will be granted.

It is my intention to have General Miles at once make a thorough inspection of the organized militia of the state. He will report, in writing, what changes in our militia laws and methods of administration are, in his judgment, desirable to better promote its efficiency as a part of the national guard, and to obtain the benefits of national co-operation and assistance.

INDUSTRIAL AND LABOR OPPORTUNITIES.

Some years ago the bureau of statistics of labor obtained and published information in regard to abandoned farms. Nearly all of these farms have since been sold and are now in use. This bureau is now obtaining information in regard to industrial opportunities not yet utilized. The information collected will also show the location of land suitable for manufacturing purposes situated near railroads or in proximity to unused water power. If proper publicity were given to this information, these unused manufacturing plants and suitably located lands might soon be put to good use. They would thus provide employment for many workers now idle. I would also suggest the advisability of obtaining and publishing similar information in regard to unemployed labor. It is to the advantage of the state, as well as labor itself, that the opportunities for employment should be known to all who are unemployed.

METROPOLITAN WATER AND SEWERAGE BOARD.

The metropolitan water and sewerage board has repeatedly called attention to the rapidly increasing consumption of water in the metropolitan district, which, if not checked, will necessitate the acquisition in the near future and at great expense of large supplies beyond the Nashua. As a means towards keeping the consumption of water within reasonable limits I recommend a change in the method of apportioning the cost of the metropolitan water. This cost is now assessed upon the several cities and towns in the district on a basis wholly independent of the consumption of water. I recommend that the cost be assessed in direct proportion to the amount of water used.

STATE BOARD OF CHARITY.

In its annual report the state board of charity offers several recommendations. I particularly commend to your consideration the one referring to the establishment of juvenile courts.

THE FALL RIVER SITUATION.

The most deplorable conditions exist at Fall River. It seems beyond belief that in these enlightened twentieth century days, after all the study and experiments of our best minds, it should be possible for us to look upon such an appalling spectacle as the present situation in that city. Nations have met and solved vexed problems by arbitration; magnificent temples are being constructed where world powers may meet and settle their differences. Yet here in Massachusetts — the citadel of wealth, culture, refinement and progressive liberality — is presented the melancholy sight of our women and children being fed from soup houses and sent to bed scantily clad in fireless homes. I cannot attempt to dissect the causes leading up to this condition, but it is sufficient for us to know that it exists. If it be possible in the deliberations of your bodies to formulate a remedy for existing conditions and prevent their recurrence, humanity will not have labored in vain.

The situation in Fall River is not only a blemish upon the good name of the Commonwealth, but many of its citizens, in no way responsible for, or parties to, the present state of affairs, are being ruined financially, with no power to save themselves. It should at least be a subject worthy of study to devise some means not only for the prevention of such desperate industrial warfare, but for the protection of those interests in the community not a party to the controversy.

Senators and Representatives: I beg of you that in all deliberations let the welfare of the state be your first and only consideration.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR TO THE LEGISLATURE
DURING THE ANNUAL SESSION.

[To the honorable senate and house of representatives, January 7, 1905.]

I have the honor to transmit herewith to the general court a report of the pardons granted in 1904, left with me by my predecessor in office.

WILLIAM L. DOUGLAS.

JANUARY 5, 1905.

I have the honor to herewith present, in compliance with chapter 50 of the resolves of 1860, a report of the forty-seven pardons issued by the governor, with the advice of the council, during the year of my administration just closed. Of the number thus released, thirteen were in the state prison, fourteen in houses of correction, fifteen in the Massachusetts reformatory and five in the reformatory prison for women. Serious illness was the controlling reason for the discharge of five.

JOHN L. BATES.

No. 1. MINNIE MOONEY. Convicted of murder, second degree, Superior Court, Bristol county, Nov. 1, 1897. Sentenced to the house of correction for life. Pardoned Jan. 20, 1904, upon the recommendation of the chairman of the prison commissioners, the county commissioners of Bristol county and the chief of police of New Bedford, where the crime was committed. The prisoner was con-

victed of the murder of her illegitimate child. When her child was but two weeks old she was turned penniless into the street. In her desperation, after having been told that no one would give her a home, she killed the child and left it on the shore above high-water mark, making no effort to conceal it. The jail physician reported that her mental condition was steadily deteriorating, and she was shortly liable to become insane. She was removed by her father to his home in New Brunswick.

No. 2. DANIEL McMILLAN. Convicted of breaking and entering, Superior Court, Suffolk county, May 5, 1902. Sentenced to the house of correction for four years. Pardoned Feb. 25, 1904, upon the recommendation of the district attorney and his former employers (the firm who were robbed), who believe that he was merely an accomplice used by the principal thereof while he was intoxicated. Numerous testimonials as to his excellent work and character were submitted at the hearing. Employment was offered him immediately on his release.

No. 3. CHARLES McEACHERON, *alias* JOHN MURPHY. Convicted of vagrancy, Central District Court of Worcester, Oct. 6, 1903. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned March 9, 1904, upon the recommendation of the prison commissioners. This prisoner, who was seventeen years of age, had committed no crime, and had a good home to go to. It was considered unwise to keep him longer in confinement.

No. 4. EDWIN F. WALKER. Convicted of embezzlement, Superior Court, Bristol county, June 18, 1902. Sentenced to the house of correction for two and one half years. Pardoned April 6, 1904, upon the recommendation of the county commissioners of Bristol county, and the mayor and many of the leading citizens of Taunton, on the ground that he had been sufficiently punished, and would hereafter lead an honorable and upright life. He was eligible for release under the provisions of chapter 227 of the acts of the year 1902, "Relative to the release of prisoners upon probation." A pardon was granted to unify practice of release when six months remain unserved.

No. 5. ISRAEL SILVERSTEIN. Convicted of stubbornness, Municipal Court, Boston, Oct. 6, 1903. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned April 6, 1904, upon the recommendation of the prison commissioners. At the time of the trial (he was but fifteen years of age) the regular visitor of the state board of charity was away on his vacation; but upon an investigation of the case, made after the boy was sentenced, he was of opinion that the case should have been placed on probation.

No. 6. FREDERICK CARR. Convicted of assault, Superior Court, Suffolk county, May term, 1902. Sentenced to the house of correction for four years. Pardoned April 6, 1904, upon the recommendation of the district attorney, who was strongly of the opinion that he had been sufficiently punished for the crime committed, which has been proven to have been of a less serious nature than was supposed at the trial. He served faithfully in the United States army in the Philippines, and had an honorable discharge. Immediate employment awaited him upon his release.

No. 7. JAMES W. SIMPSON. Convicted of vagrancy, Municipal Court, Boston, Dec. 23, 1903. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned April 13, 1904, upon the recommendation of the prison commissioners. Simpson, a young man twenty years of age, with no previous court record, was seriously ill in the hospital. He had a comfortable home to go to.

No. 8. RICHARD J. DRUHAN. Convicted of burglary, Superior Court, Suffolk county, Feb. 26, 1888. Sentenced to the state prison for twenty years. Pardoned April 19, 1904, upon the recommendation of the prison commissioners, who reported that Druhan escaped from the prison with several other prisoners, March 4, 1892; he was recaptured April 6, 1892, and on the twenty-sixth of the same month was taken into court and given a sentence of fifteen months for the escape. He had not been punished for any misconduct or reprimanded even for any violation of the prison rules for nearly a dozen years. He

had evidently been trying all these years to improve his time in a way that would enable him to pursue an honest occupation when released. His deportment had been such as to win the sympathy of all the officers who knew him. He was released upon the expiration of his twenty-year term, as shortened by deductions for good behavior.

No. 9. CLARA HARRIS. Convicted of stubbornness, Police Court of Lynn, Feb. 19, 1904. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned April 28, 1904, upon the recommendation of the prison commissioners and the judge who sentenced her. The judge stated that, if all the facts he now knows had been brought to his attention at the trial, he should have placed the girl in charge of the probation officer.

No. 10. WILLIAM T. MAHONEY. Convicted of breaking and entering, Superior Court, Hampden county, Dec. 27, 1902. Sentenced to the house of correction for three years. Pardoned May 4, 1904, upon the recommendation of the chief of police of Agawam. The district attorney concurred in the recommendation, on the ground that he had been sufficiently punished. He was on a spree at the time of the arrest, and broke into a saloon to get liquor to drink. He was a good workman, and industrious. His former employer was ready to give him employment at good wages. He had never been arrested before.

No. 11. WILLIAM A. ATWOOD. Convicted of stubbornness, Municipal Court, Dorchester, Dec. 7, 1903. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 11, 1904, upon the recommendation of the judge who imposed the sentence and the prison commissioners. If all the facts in this case had been submitted to the court at the time of sentence, he would undoubtedly have been placed on probation.

No. 12. ALVAH G. KENERSON. Convicted of being a disobedient child, Municipal Court, Dorchester, Nov. 10, 1903. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 18, 1904.

Kenerson was in a very serious physical condition, and was released upon the recommendation of the prison physician. His father, who made the complaint, earnestly urged a pardon. His record in the reformatory was perfect.

No. 13. ROYSTON B. PRAY. Convicted of larceny, Superior Court, Suffolk county, Jan. 5, 1904. Sentenced to the house of correction for twelve months. Pardoned May 18, 1904, upon the recommendation of the district attorney. There were grave doubts regarding the guilt of the prisoner.

No. 14. PETER STROCEKS. Convicted of larceny, Superior Court, Middlesex county, April term, 1903. Sentenced to the house of correction for two years. Pardoned May 18, 1904, upon the recommendation of the district attorney and the complainant, on the ground that he had been sufficiently punished. This was his first offence.

No. 15. PETER E. CARR. Convicted of stubbornness, Municipal Court, South Boston, Oct. 10, 1903. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 18, 1904. Carr, seventeen years of age, was committed by request of his father. The boy's mother is dead, and the father was unable to control him. Since his commitment to the reformatory the father has married again and has a good home for his son. It seemed to be a case where the boy had been sufficiently punished.

No. 16. CORNELIUS NAGLE. Convicted of murder in the second degree, Superior Court, Middlesex county, June 13, 1895. Sentenced to the state prison for life. Pardoned May 23, 1904, upon the recommendation of the justice who imposed the sentence, and all the living jurymen and many citizens of Lowell. Nagle was indicted with two others, Patrick Sullivan and Patrick J. Foley, for murder. The jury found all three guilty of murder in the second degree. Justice Lilley certified that: "It seemed to me at the trial that there were circumstances

attending Nagle's participation in the crime of which the law could not take cognizance, but which, at an appropriate time, would justify an appeal for executive clemency. Nagle has been in prison for a very substantial period of time, and, if I may be permitted to express my opinion, I personally feel that the ends of justice are satisfied by the punishment which he has already suffered, and that mercy might with entire propriety be now extended to him." Nagle was unarmed, and did not fire the fatal shot.

No. 17. THOMAS McNULTY. Convicted of vagrancy, Central District Court of Worcester, Oct. 6, 1903. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 25, 1904, upon the recommendation of the prison commissioners. He was sixteen years old, and had committed no crime. A good home and employment awaited him.

No. 18. CORNELIUS USHER. Convicted of breaking and entering, Superior Court, Essex county, May 29, 1902. Sentenced to the state prison for from three to five years. Pardoned May 25, 1904, upon the recommendation of the district attorney, who certified that "one Coughlin had pleaded guilty to committing the crime for which Usher had been sentenced to state prison. I feel confident that Usher is not guilty, and ought to be discharged without delay." Usher, however, was guilty of receiving from Coughlin the stolen goods, and attempting to pawn them.

No. 19. FRANCIS L. BURTON. Convicted of larceny, Superior Court, Suffolk county, Sept. 19, 1903. Sentenced to the house of correction for eighteen months. Pardoned May 25, 1904, upon the recommendation of Gov. James N. Peabody of Colorado, many of the business associates of Burton in Colorado, and of the chairman of the prison commission, who had very carefully investigated the case. Burton was a resident of Colorado. This was his first offence, and he had served more than half of his sentence. He had large business interests in Colorado. The wife of the prisoner for a long period of time had been a hopeless invalid, and needed the constant attention and care of her husband.

No. 20. WILLIAM PETERHANS. Convicted of breaking and entering, Superior Court, Suffolk county, Oct. 5, 1896. Sentenced to the state prison for from ten to fifteen years. Pardoned June 22, 1904, upon the recommendation of the district attorney and of the parties from whom the property was stolen. The district attorney reported that: "The three offences of which Peterhans was guilty were committed about the same time. He pleaded guilty, had no counsel, and received a severe sentence, considering that there was no evidence of any previous offending." At the time of his conviction he was little more than a mere youth, being a minor. Since his incarceration, and during his spare moments, he has busied himself by illuminating texts. The proceeds of this work he has used to make restitution to those persons whose homes he had entered and whose property he took. A position as an illuminator of texts had been offered to him.

No. 21. WILLIAM D. McCLELLAN. Convicted of breaking and entering, Superior Court, Suffolk county, May 22, 1902. Sentenced to the house of correction for four years. Pardoned June 22, 1904, upon the recommendation of the district attorney and the man from whom the goods were stolen. McClellan did not belong to the criminal class. He had fallen through the excessive use of intoxicating liquors. This was his first offence. The proprietors of the store which he entered, and who formerly employed McClellan, recommended his release. They think he will become a good citizen.

No. 22. SARAH E. JENKINS. Convicted of adultery, Superior Court, Essex county, May 19, 1904. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned July 2, 1904. The mother of the prisoner was fatally ill with fibroid phthisis, and was failing rapidly, and constantly worrying about her daughter. With the hope of prolonging the life of the mother a pardon was granted. Many of the leading citizens of Haverhill recommended a pardon.

No. 23. ISAAC OWENS. Convicted of stubbornness, Third District Court of Eastern Middlesex, Dec. 10, 1902.

Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned July 20, 1904, upon the recommendation of the prison commissioners, on the ground that he had been sufficiently punished.

No. 24. JAMES CASEY. Convicted of breaking and entering, Superior Court, Suffolk county, May term, 1903. Sentenced to the house of correction for two and one half years. Pardoned July 20, 1904, upon the recommendation of the district attorney and the resident physician of the house of correction. Casey was in the last stages of tuberculosis of the lungs and larynx.

No. 25. ISABELLA WEST. Convicted of stubbornness, Second District Court of Bristol, May 25, 1902. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned July 20, 1904, upon the recommendation of the mayor of Fall River and the senators and representatives from that city. The father and mother of the prisoner were both ill, and required the services of their daughter. As she had committed no crime, a pardon was granted.

No. 26. RAFAEL DEGEROMINO. Convicted of assault and battery, Central District Court of Worcester, June 8, 1904. Sentenced to the house of correction for six months. Pardoned July 27, 1904, upon the recommendation of the district attorney and probation officer and the complainant, on the ground that he had been sufficiently punished.

No. 27. HENRY E. CHELLIS. Convicted of larceny, Superior Court, Middlesex county, Dec. 16, 1903. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Sept. 12, 1904, upon the recommendation of the complainant and many of the leading citizens of Portland, Me., the home of the prisoner. This was his first offence. There were extenuating circumstances connected with the case, which led the pardon committee to believe that he had been sufficiently punished.

No. 28. EDWARD S. MOORE. Convicted of larceny, Superior Court, Suffolk county, Oct. 2, 1903. Sentenced

to the house of correction for twenty-one months (two indictments). Pardoned Oct. 12, 1904, upon the recommendation of the district attorney and the complainants, on the ground that the imprisonment already suffered was sufficient to satisfy the ends of justice, and that he would hereafter lead an honorable life. Immediate employment awaited him.

No. 29. JOHN J. ROSE. Convicted of larceny, Third District Court of Eastern Middlesex, April 16, 1904. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Oct. 12, 1904, upon the recommendation of the prison commissioners and the probation officer of the court. He would undoubtedly have been placed on probation at time of sentence, if all the circumstances had been shown.

No. 30. FRANK BEAUDRY. Convicted of larceny, Superior Court, Hampden county, May term, 1902. Sentenced to the house of correction for four years. Pardoned Oct. 12, 1904, upon the recommendation of the complainant and prominent citizens of Holyoke, where the crime was committed, who believed that the law had been vindicated, and that he had been sufficiently punished for the crime committed, which was a slight one.

No. 31. WILLIAM H. H. SULLIVAN. Convicted of larceny, Third District Court of Eastern Middlesex, Jan. 20, 1904. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Oct. 26, 1904, for the purpose of undergoing a surgical operation, which was advised by prominent physicians.

No. 32. JOHN J. FITZGERALD. Convicted of rape, Superior Court, Suffolk county, May 18, 1904. Sentenced to the state prison for from three to five years. Pardoned Nov. 2, 1904, upon the recommendation of the district attorney, who had become satisfied since the trial that Fitzgerald was innocent of the crime for which he was convicted. The complainant made affidavit under oath that her testimony at the trial was false.

No. 33. MARY SWEENEY. Convicted of breaking glass, Police Court of Lynn, June 30, 1904. Sentenced

to the reformatory prison for women on an indeterminate sentence. Pardoned Nov. 16, 1904, upon the recommendation of the prison commissioners, to be sent to her home in Ireland, where her husband lived, and who had sent her a ticket for that purpose.

No. 34. HENRY F. COE. Convicted of larceny, Superior Court, Suffolk county, Oct. 1, 1902. Sentenced to the state prison for from four to five years. Pardoned Nov. 23, 1904. Coe was dangerously ill with paralysis, with no possible hope of recovery.

Nos. 35, 36. CHARLES E. HAMMOND and FRED E. ROBERTS. Convicted of burning a building, etc., Superior Court, Middlesex county, Oct. 31, 1900. Sentenced to the state prison for from five to eight years. Pardoned Nov. 23, 1904, upon the recommendation of many of the leading citizens of Portland and Auburn, Me., and vicinity (including two ex-governors), where the prisoners formerly resided, and who had borne a good reputation previous to this affair. Hammond's wife was critically ill in a hospital, and Roberts' wife was an invalid, being cared for by friends. They had less than one year to serve.

Nos. 37, 38. CHARLES FRASER and MAX JACKSON. Convicted of larceny, Municipal Court, Boston, June 20, 1904. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Nov. 23, 1904. These two prisoners, eighteen years of age, with another boy, were arrested for the larceny of foreign postage stamps valued at \$7. All the prisoners appealed. Fraser and Jackson later withdrew their appeal, and were sentenced to the reformatory. The case against the third boy was *not pressed* in the superior court, and the prisoner was discharged. If Fraser and Jackson had not withdrawn their appeal, their cases would have been *not pressed* also.

No. 39. THOMAS WHITE. Convicted of larceny, Superior Court, Suffolk county, Sept. 22, 1904. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Nov. 29, 1904, upon the recommendation of Judge Sherman, who imposed the sentence, the

district attorney, and the chairman of the prison commissioners. Certain additional evidence had been submitted to the court since the trial. If it had been produced at the time of sentence the prisoner would have been placed on probation.

No. 40. STELLA GORDON. Convicted of being idle and disorderly, Municipal Court, Boston, Jan. 8, 1904. Sentenced to the reformatory prison for women on an indeterminate sentence. Pardoned Dec. 14, 1904, upon the recommendation of the prison commissioners, who believed that she had been sufficiently punished, and hereafter would lead an upright life.

No. 41. CHARLES DEVLIN. Convicted of assault and robbery, Superior Court, Suffolk county, May term, 1898. Sentenced to the state prison for from eight to ten years. Pardoned Dec. 14, 1904. Two persons were tried at the same time with Devlin: one proved an alibi, the other was sent to the Massachusetts reformatory. Devlin was unable to prove an alibi, through lack of funds and friends to get his witnesses. The district attorney favored the pardon. The man who was assaulted was unable to identify him. He had been a model prisoner. The prison commissioners were of the opinion that the ends of justice had been satisfied.

No. 42. EDWARD J. SMITH. Convicted of robbery, Superior Court, Suffolk county, Dec. 18, 1900. Sentenced to the state prison for from eight to twelve years. Pardoned Dec. 14, 1904. Smith, with two companions, all equally guilty, were convicted of the larceny of \$3.50 in money. The other two were sent to the house of correction for four years each. Smith, having served a sentence in the Massachusetts reformatory, was committed to the state prison. It was believed that he had been sufficiently punished.

No. 43. MATHEW G. BURNS. Convicted of an assault, with intent to commit rape, Superior Court, Suffolk county, Sept. 17, 1903. Sentenced to the house of correction for four years. Pardoned Dec. 16, 1904. Burns was convicted solely upon the testimony of a witness who has

since the trial been found to be of bad repute. The prisoner had always borne a good reputation. It was believed that the ends of justice had been satisfied.

No. 44. JAMES NICHOLSON. Convicted of murder, Superior Court, Suffolk county, Dec. 20, 1884. Sentenced to be hanged March 27, 1885. Sentence commuted to imprisonment for life Feb. 27, 1885. Pardoned Dec. 22, 1904, as an act of executive clemency. Nicholson had been in prison for more than twenty years, and his record of deportment through all these years had been absolutely perfect. The crime was committed when he was under the influence of liquor. Grave doubt has always existed regarding his mental responsibility at the time the act was committed. It was believed by many that, had the circumstances which developed later been known at the time of the trial, he would have been sentenced for murder in the second degree, or for manslaughter. His release was urged by many prominent citizens, who believed that the ends of justice had been satisfied, and that he had been sufficiently punished.

No. 45. WILLIAM H. JORDAN. Convicted of an assault with intent to murder, Superior Court, Suffolk county, Feb. 18, 1897. Sentenced to the state prison for from eight to fifteen years. Pardoned Dec. 28, 1904. There were but seven weeks remaining of his sentence, and new evidence not submitted at the trial was presented which raised a strong doubt as to whether or not he was guilty of the crime for which he had been convicted.

No. 46. ROBERT J. COOK. Convicted of being a stubborn child, Municipal Court, Roxbury, April 26, 1904. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Dec. 29, 1904, upon the request of the father of the prisoner, who made the complaint, and who regretted his hasty action, and with the concurrence of the judge who imposed the sentence. The governor and council were satisfied that the boy, who was seventeen years of age, had been sufficiently punished.

No. 47. GIOACCHINO COCCHIARA. Convicted of assault with pistol, Superior Court, Suffolk county, Jan-

uary term, 1897. Sentenced to the state prison for from nine to ten years. Pardoned Jan. 4, 1905, upon the recommendation of the prison commissioners. When he was convicted, in January, 1897, he was sentenced under a new law which took effect Jan. 1, 1896, and was given the maximum and minimum terms. His sentence was an illegal one, according to a decision afterwards rendered in a case of one Murphy, who was sentenced in 1896 for a crime committed before the new law went into effect.

His crime was committed in June, 1895, but he was not apprehended until a year later, when he was found in New York city and was brought back to Boston for trial. He should have been sentenced under the old law, which was in force when the crime was committed, and given a definite sentence, which, if not exceeding the time actually given under the new law, would have expired, deducting time for good behavior, in January, 1905.

[To the honorable senate and house of representatives, January 6, 1905.]

It is my duty to announce to the legislature the death on Thursday, January 5, 1905, of ex-governor William Claflin.

He was a faithful servant of the Commonwealth, and in his life was exemplified the true character and ideals of Massachusetts citizenship.

His death is a great bereavement to the people, and the Commonwealth is a sincere mourner.

I recommend that your honorable body take such action upon this sad event as may seem fitting to you.

[To the honorable senate and house of representatives, February 21, 1905.]

I have the honor to transmit for your consideration a report of the board of officers appointed by special order No. 52, A. G. O., current series, dated May 7, 1905, "To take into consideration the reorganization of the militia in conformity to the national militia law, and to submit a plan."

[To the honorable senate and house of representatives, February 27, 1905.]

It is my duty to announce to the legislature the death on Monday, February 27, 1905, of ex-governor George S. Boutwell.

He was one of the foremost citizens of our Commonwealth. The best energies of his well-spent life were devoted to the public service, and in every position he served his country and his state faithfully and well.

His death is a great bereavement to the people, and the Commonwealth is a sincere mourner.

I recommend that such action be taken upon this sad event as may seem fitting to you.

[To the honorable senate and house of representatives, March 21, 1905.]

The alarming increase in the state debt, both direct and contingent, and the rapid increase in running expenses, should receive the serious and prompt attention of your honorable bodies.

From the abstract of the report of the treasurer for the year ending December 31, 1904, we learn that the net "direct" debt of the state, — that is, the debt incurred for state purposes and payable by the Commonwealth at large, — which decreased from over \$22,000,000 in 1877 to \$3,609,799 in 1893, has since increased to \$15,576,595.

The net "contingent" debt, which began in 1889, has increased by leaps and bounds to \$58,758,535 in 1904. Although this debt is not payable directly by the Commonwealth, and is incurred for the benefit of certain districts and for certain purposes, and is being met by direct annual tax on the cities and towns to which the Commonwealth has thus temporarily loaned its credit, yet the state is responsible for this debt.

PUBLIC DEBT.

Comparative Tables for 27 Years, from the Abstract of the Treasurer's Report for 1905.

YEAR.	Direct Debt.	Sinking Funds.	Net Direct Debt.
1877,	\$33,220,464 00	\$10,885,690 21	\$22,334,773 79
1878,	33,020,464 00	11,268,596 84	21,751,867 16
1879,	33,020,464 00	12,235,248 29	20,785,215 71
1880,	32,799,464 00	13,050,192 20	19,749,271 80
1881,	32,599,464 00	14,080,465 80	18,518,998 20
1882,	32,511,680 90	16,944,263 05	15,567,417 85
1883,	31,436,680 90	16,836,672 06	14,600,008 84
1884,	31,432,680 90	17,731,724 94	13,700,955 96
1885,	31,432,680 90	18,182,672 44	13,250,008 46
1886,	31,429,680 90	18,964,412 62	12,465,268 28

PUBLIC DEBT — Concluded.

YEAR.	Direct Debt.	Sinking Funds.	Net Direct Debt.
1887,	\$31,429,680 90	\$25,151,516 78	\$6,278,164 12
1888,	28,851,619 65	23,235,608 84	5,616,010 81
1889,	27,421,287 85	20,916,471 58	6,504,816 27
1890,	27,511,158 30	21,448,214 53	6,062,943 77
1891,	23,676,415 55	18,950,212 80	4,726,202 75
1892,	23,876,415 55	20,077,844 81	3,798,570 74
1893,	23,731,415 55	20,121,616 30	3,609,799 25
1894,	16,039,766 65	11,662,103 26	4,377,663 39
1895,	13,585,229 40	7,444,849 30	6,140,380 10
1896,	18,016,729 40	7,250,081 38	10,766,648 02
1897,	19,643,729 40	7,181,350 58	12,462,378 82
1898,	22,561,229 40	7,862,265 16	14,698,964 24
1899,	24,931,229 40	8,254,954 26	16,676,275 14
1900,	21,996,423 30	5,292,256 85	16,704,166 45
1901,*	25,738,223 30*	13,278,969 69	12,459,253 61
1902,	27,413,323 30	13,940,695 21	13,472,628 09
1903,	29,514,500 00	14,731,859 03	14,782,640 97
1904,	30,809,750 00	15,233,154 89	15,576,595 11

CONTINGENT DEBT, 1889-1894.

YEAR.	Contingent Debt.	Sinking Funds.	Net Contingent Debt.
1889,	\$830,000 00	\$99,467 82	\$730,532 18
1890,	3,870,000 00	120,745 84	3,749,254 16
1891,	4,253,000 00	139,701 23	4,113,298 77
1892,	5,401,000 00	264,527 01	5,136,472 99
1893,	11,080,000 00	1,752,585 89	9,327,414 11
1894,	13,040,000 00	5,324,429 95	7,715,570 05
1895,	16,090,000 00	5,645,624 91	10,444,375 09
1896,	22,620,000 00	6,208,492 66	16,411,507 34
1897,	31,920,000 00	6,708,542 72	25,211,457 28
1898,	37,225,000 00	7,331,887 33	29,893,112 67
1899,	42,525,000 00	7,512,183 42	35,012,816 58
1900,	44,043,412 00	12,931,147 09	31,112,264 91
1901,*	51,958,412 00*	3,459,271 23	48,499,140 77
1902,	56,835,412 00	4,364,034 35	52,491,377 65
1903,	61,769,412 00	5,186,183 42	56,583,228 58
1904,	64,989,412 00	6,230,876 99	58,758,535 01

* Fitchburg Railroad securities loan changed in 1901 from contingent to direct debt.

It thus appears that the direct debt of the Commonwealth on December 31, 1904, was \$30,809,750, to meet which there was a sinking fund of \$15,233,154.89, leaving a net debt of \$15,576,595.11. The contingent debt of \$64,989,412 is reduced by a sinking fund of \$6,230,876.99 to \$58,758,535.01. The total funded debt then

was \$95,799,162; the total sinking funds, \$21,464,-031.88; and the total net debt, \$74,335,130.12.

There is no question but what the assets of the state are more than sufficient to meet its indebtedness; but, on the other hand, would it not be better in the interests of the Commonwealth to stop the increase of the direct debt, as the total indebtedness of the state, including the direct and contingent, exceeds by far the indebtedness of other states?

Including the municipal indebtedness of the cities and towns of the Commonwealth, \$195,062,222 on May 1, 1904, and the county debts, \$3,221,726 on December 31, 1904, we have in this state a total public indebtedness of \$294,093,697, or more than 9 per cent of the valuation of all the property in the state, — a valuation that is, in many parts of the state, considerably above the market value of property, even in good times.

If we deduct from this amount the total sinking funds, state, county and municipal, namely, \$74,867,651, we have net debts of \$219,226,047, or more than 6.4 per cent of the total assessed value of all property in the state.

In 1875 the state adopted as a settled policy the rule that net municipal indebtedness, exclusive of water debt, should not exceed 3 per cent of the valuation of property; but this limit has now been far exceeded, and our net state and municipal debt already exceeds what has been considered a safe limit, not only in this state but also in other states, as indicated by constitutional and statute law. Moreover, the debt is rapidly increasing.

The annual interest on this net debt is about \$7,000,-000; the total taxes collected in 1904 for state, county and city or town purposes amounted to \$66,748,301; therefore more than one tenth of all taxes now raised go to pay interest on our state, municipal and other public debts.

The business interests of our Commonwealth, our factories, shops, farms and homes, demand that our tax rate be decreased rather than increased. Unless new sources of revenue are found and utilized, our tax rate for state purposes must soon be double what it was last year.

Instead of continuing to increase debts and interest charges, we should, in my opinion, begin to decrease them. If this Commonwealth is to regain its reputation

for conservative financial management, it must not further increase its already enormous debts, but must begin a healthy “pay-as-we-go” plan.

GROWTH OF EXPENDITURES.

How rapidly the expenses of the Commonwealth are increasing is shown by the following figures from the auditor's last report : —

Expenditures for General Purposes.

	1900.	1901.	1902.	1903.	1904.	1905 (Estimated).
Legislative department,	\$349,536 92	\$380,100 81	\$349,277 59	\$373,173 78	\$358,725 21	\$382,300 00
Executive and other departments,	160,924 27	164,920 49	184,803 92	195,756 69	213,908 65	213,908 65
State House,	107,901 82	103,607 56	117,640 52	126,252 12	117,673 84	126,100 00
Printing other than legislative,	149,428 98	131,264 77	181,313 74	80,785 44	84,415 77	101,800 00
Judiciary,	366,466 61	388,388 91	389,387 60	417,654 46	435,007 80	456,683 33
Commissions and other boards,	530,278 57	502,262 60	514,336 41	609,451 10	606,339 72	579,425 00
Agricultural, including Cattle Commissioners and expenses of the Gypsy Moth Commission,	162,002 06	136,924 83	130,789 76	236,248 07	162,805 69	199,430 00
Educational, including State Library,	722,484 86	536,188 41	558,257 00	869,550 16	801,871 29	776,287 33
Charitable,	1,152,737 54	1,136,977 43	1,290,817 22	1,354,084 45	2,461,461 53	2,531,058 00
Military,	927,916 84	334,115 13	328,436 28	351,638 72	358,235 97	370,325 00
State and military aid and other war expenses,	834,408 35	841,996 01	857,901 87	842,727 30	862,968 76	856,400 00
Reformatory and correctional,	841,504 61	836,251 91	886,013 57	925,034 63	967,762 30	1,005,583 00
Public buildings,	363,001 95	299,274 53	361,188 06	397,335 51	90,922 05	—
Sinking funds and Massachusetts school fund,	279,792 56	100,000 00	301,779 48	242,468 07	103,285 00	830,435 20
Interest on actual State debt,	858,480 16	795,429 01	793,254 13	733,827 67	772,918 32	1,698,361 50
Miscellaneous,	169,294 54	182,815 22	184,328 10	134,730 01	270,134 58	313,200 00
Annuities and premiums,	—	—	—	—	—	6,236 00
	\$7,176,160 64	\$6,880,517 62	\$7,450,333 25	\$7,830,848 18	\$8,668,046 48	\$10,434,874 45

Thus the estimated expenditures for 1905, even after deducting the unpaid liabilities of 1904, \$700,000, and "deficiencies," \$25,000, are \$9,709,874.55, which is 12 per cent more than the actual expenditures for 1904, 24 per cent more than those for 1903, and 41 per cent more than those for 1901. The very great increase for estimated expenditures for 1905, over actual expenditures for 1904, amounting to \$1,041,828.07, is partly accounted for by the fact that in 1904 no appropriation was made for sinking fund requirements, amounting to \$397,422.63. This one item would have brought the 1904 expenditures up to \$9,065,469.11, and would have reduced the estimate for 1905 to \$9,312,451.92. The 1904 expenditures would then have shown an increase of \$1,234,620.93, or about 16 per cent, over those of 1903; while in 1905, estimates would show an increase of only \$246,982.81, or about 2½ per cent, over those of 1904.

Other items of expenditure in 1904 were abnormally low, and require explanation. A very noticeable reduction is evident in the expenditures for public buildings charged to revenue. This reduction is still more evident if we go back a few years. The following figures show the expenses for public buildings, paid out of "revenue":—

1897,	\$586,700 32
1898,	502,574 68
1899,	416,511 82
1900,	363,001 95
1901,	269,274 53
1902,	361,188 06
1903,	307,335 51
1904,	90,022 05

Thus the expenditures for "public buildings" in 1904 were over \$230,000 below normal, as compared with the years 1900, 1901, 1902 and 1903; and over \$400,000 below the average for the years 1897, 1898 and 1899.

It appears that previous to 1901 the cost of making all ordinary repairs and improvements and of making additions and enlargements to our public buildings was met by appropriations from the receipts from general revenue. Since 1901, under authority of an act (chapter 471) passed to provide funds for the "construction and enlargement of certain public buildings", and of similar acts passed each year since then, most such expenses have been met

from the sale of thirty-year sinking fund bonds. By a most liberal interpretation of the words "construction and enlargement", bonds have been issued under these acts for the purpose of concreting walks, building stone walls, electric light equipments, repairing and furnishing buildings, equipping with machinery, painting buildings, repairing buildings, putting in new heaters, tanks and pumps, making alterations, etc.

Since 1891, \$2,175,500 of the "Prisons and Hospitals Loans" bonds have been issued, and the proceeds used for purposes which were formerly met in great part from revenue. This amount averages over half a million dollars a year. Most certainly such expenditures should be paid out of annual revenue. Not only is it unwise and improper, from a business standpoint, to issue bonds to pay for repairing, furnishing and equipping buildings, or for making alterations and improvements the life of which is shorter than that of the bonds, but it is inadvisable, from the standpoint of public policy, not to meet all such expenditures from our annual revenues. We should not ask or expect future generations to pay for what will not exist in their time, and for what is enjoyed wholly by us. Only when new buildings are constructed or when extensive enlargements are made, sufficient to meet requirements for years to come, should bonds be issued and the state debt permanently increased.

I strongly urge a return to the policy and practice that prevailed previous to 1901, when not only enlargements and improvements, but many new buildings, were paid for from our general revenue, and recommend that no further legislation be enacted under which the cost of temporary improvements and repairs may be defrayed by loans.

LAST YEAR'S STATE TAX INSUFFICIENT.

The state tax of last year did not provide sufficient revenue by over \$300,000, although the actual receipts exceeded the estimated receipts by more than \$340,000, and in addition the sinking fund requirements were not provided for.

In the accounting of the Commonwealth there is an item, entitled "cash on hand January 1", that needs explanation. This is set up as an item of revenue each year. This is misleading, although it is done under a requirement of the law. The balance of cash on hand

has nothing to do with "revenue", unless it represents a surplus brought over from the previous year.

In the state accounts, however, the cash balance does not represent a surplus, for there are, on December 31, liabilities against this balance amounting to six hundred thousand or seven hundred thousand dollars. The liabilities consist mainly of December salaries and unpaid bills, which will be charged in January against the balances of appropriations unexpended. It is evident that only the excess of cash above these unpaid liabilities of the old year can be correctly considered a "revenue" item for the new year.

For example, it will be seen, by reference to the auditor's "Abstract", that the "revenue receipts" include \$1,189,842.03 of cash balance January 1, 1905, brought forward from the old year. Against this asset there are estimated liabilities of \$700,000, which, instead of being separately stated and offset against the cash balance, are listed among the estimated "expenses" of the new year.

The estimated expenses, as given, \$10,434,874.55, include an item which must be deducted before comparisons can be made with the actual expenses of previous years. This item is "unexpended appropriations", \$700,000. This item, as already explained, is the estimated liability on December 31, 1904, for unpaid bills, salaries, etc., under appropriations of the previous year. It is properly an offset to the cash on hand of December 31, and should be so designated in the auditor's report. As stated, at present in the auditor's report this important item is placed under a sub-title "interest, etc."

After making corrections, the figures should therefore read as follows:—

Estimated revenue receipts for 1905,	\$5,547,000 00
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Cash surplus for 1904:—	
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Viz.: Cash balance,	\$1,189,842 03	
Less estimated liabilities,	700,000 00	
	<hr/>	489,842 03

Total estimated sources of cash, not including state tax,	\$6,036,842 03
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Total estimated expenses:—	
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Viz.: Auditor's estimate,	\$10,434,874 55	
Less estimated liabilities,	700,000 00	
	<hr/>	9,734,874 55
		<hr/>

To be provided for by state tax for 1905, . . .	\$3,698,032 52
The estimate by the auditor one year ago (1904) was \$2,387,813.03, while the actual state tax was . . .	2,500,000 00
Increase estimated for state tax, 1905 over 1904, . . .	<u>\$1,198,032 52</u>
The cash surplus (cash balance, less estimated liabilities) at the beginning of 1904 was . . .	\$796,749 28
The cash surplus at the beginning of 1905 was . . .	<u>489,842 03</u>
Decrease in cash surplus in 1904, . . .	\$306,907 25

1904 TAX SHOULD HAVE BEEN MUCH HIGHER.

If to this decrease in the surplus cash (\$300,000) there be added the requirements for sinking funds, which amounted to \$397,422.63, and also the sum required for repairs, renewals, temporary constructions, etc., of public buildings, which was expended from proceeds of loans, amounting to fully \$300,000 more, it is evident that the state tax last year should have been \$3,500,000, instead of \$2,500,000.

Had such a tax been levied and collected last year, then the proper burdens of that year would have been met out of the collections of that year; and the present year, 1905, would have been called upon to meet only its own burdens, viz. :—

Estimated expenses, including sinking fund requirements for the year,	\$9,337,451 92*
Provisions for public buildings, repairs, etc.,	300,000 00
	<u>\$9,637,451 92</u>

which would have required a state tax for 1905 of about the same amount as was required in 1904, viz., \$3,500,000.

As things are, however, it becomes necessary to increase this tax by the last year's sinking funds, unprovided for in the tax levy of 1904 (\$397,000), which, even without the additional or extraordinary appropriations, will bring the necessary amount of the state tax this year to about four million dollars, against the insufficient levy of \$2,500,000 last year.

* \$10,434,874.55, less sinking funds unprovided last year and less unpaid liabilities of last year.

COMPARISONS OF 1905 ESTIMATES WITH 1904 EXPENSES.

Increases.

Legislative, executive and other departments,	\$9,684 14
State House,	8,426 16
Printing, other than legislative,	17,384 23
Judiciary,	21,675 53
Agricultural,	36,554 31
Charitable,	69,596 57
Military,	12,269 03
Reformatory and correctional,	38,020 70
Interest,	151,081 18
Decennial census,	275,000 00
Sinking funds,	727,650 29
Other items,	40,785 99
Total increases, 1905 over 1904,	\$1,408,128 13

Decreases.

[Estimates 1905 less than expenses 1904.]

Commissions and boards,	\$63,748 01
Educational,	25,583 96
State and military aid and other war expenses,	6,568 76
Other expenses in 1904 much of which were not estimated for 1905,	294,081 35
Total decreases,	389,982 08
Net increase, 1905 estimates over 1904,	\$1,018,146 05

SOME OF THE 1905 INCREASES EXPLAINED.

It will be noted that the large increases are as follows:—

(1) Sinking funds for two years, \$727,650.29.

(2) Interest, \$151,081.18, which consists of two components: (a) Receipts of accrued interest on bonds sold for 1905 are unknown; they cannot be estimated and deducted from interest payments. These accrued items in 1904 amounted to \$114,473.49, of which \$49,262.87 were received from a settlement of old accounts with the metropolitan district. (b) Interest on "direct debt", 1905, is estimated at \$858,414, while interest on same paid in 1904 is stated as \$831,414.87, —an increase for

1905 of about \$27,000. The increase of "direct debt" in excess of increase of sinking funds in 1904 was about \$800,000, and interest on this sum at about $3\frac{1}{2}$ per cent may account for the \$27,000 mentioned as increase.

(3) The increase from estimate for decennial census, \$275,000, explains itself.

(4) Increase in "charitable", \$69,596.57, which consists of increase, "state board of charity", \$29,000; "institutions", \$83,000; total, \$112,000; decrease, state board of insanity, \$4,000; net increase, about \$108,000; which is accounted for by the \$69,000 above, in addition to some \$38,000 of miscellaneous payments of last year's charities not included in the estimates for 1905.

The increased expenditure for charitable and reformatory institutions and for agriculture, etc., in 1905 over 1904, and in 1904 over 1903, while very great, are accounted for largely: (1) by the assumption by the state of the care of all the insane; (2) by the great increase in the cost of living, which has increased the cost of maintaining all of our public institutions; (3) by the increase in the number of insane, paupers and criminals, due only in part to increasing population.

(5) The other increases are partially offset by the decreases in "educational" and in "commissions", etc., but it should be noted that there were in 1904 nearly \$300,000 of miscellaneous expenses, including items on account of appropriations in 1901 and 1903, whose correlatives, if any, have not been estimated for 1905.

Taking probable requirements of similar nature for 1905, together with extraordinary appropriations which may be made by the legislature, not estimated in the auditor's total, and it is evident that another half million dollars must be added to the state tax, bringing it to \$4,500,000 this year, if all of the running expenses for 1905, as well as the sinking fund deficit for 1904, are to be met out of current revenue and receipts, *i.e.*, out of ordinary receipts of the year, plus surplus from last year and plus the state tax.

Such is the situation that confronts our Commonwealth. It should receive our serious consideration. We should make provisions for adequate revenue with which to meet all running expenses, and should issue bonds and increase the state's indebtedness only as a final resort.

INHERITANCE TAX.

It being reasonably certain that our expenditures will continue to increase faster than our resources, and that the tax levy for state purposes will impose a heavier and heavier burden upon our industries, it is most desirable that we find, if possible, new sources of revenue.

Perhaps the most important and certain new source of revenue available for state purposes is that of an inheritance or legacy tax. A reasonable tax on property passing to the heirs of a deceased person would not burden industry, oppress the tax payer or drive property from this state. If assessed only after making proper exemptions, it constitutes, in my opinion, one of the fairest and least objectionable taxes that can be levied. It is also easy to collect.

In this country 24 states have adopted the inheritance tax since 1890. At present 16 states apply this tax only to collateral heirs, and 14 states also apply it to direct heirs.

An inheritance tax patterned somewhat after that of Wisconsin, but with greater exemptions, and with lower graduated rates, would, in my opinion, not only constitute an almost ideal tax for state purposes, but would enable us to reduce rather than increase the general property tax.

Massachusetts is one of the 16 states that now taxes only collateral inheritances. A 5 per cent collateral legacy tax last year yielded \$562,000 in revenue. This tax is levied on the estate, but only on the excess of \$500, which passes. Based upon estimates contained in the report of the tax commissioner of 1897, it is probable that a tax averaging 2 per cent on direct inheritances would yield about \$1,000,000 in revenue. Should a general inheritance tax be graduated according to amounts inherited by heirs, and be made progressive as the relationship of the heir to the deceased diminishes, it ought easily to yield \$2,000,000 of revenue, or half of all now raised for state purposes by a general property tax.

The commission appointed in 1896 to "inquire into the expediency of revising and amending the laws of the Commonwealth relating to taxation" were unanimously in favor of no other new tax except that on inheritances,

although there was some difference of opinion as to whether the tax should be flat or graduated. The majority report, signed by four out of the five members of the commission, favored a tax of 5 per cent on direct inheritances. It said, in part :—

A tax on inheritances and successions has the great advantage of using administrative machinery already in existence. The probate courts already supervise the estates passing on death. Some examination of the property takes place in any event. By making that examination somewhat more careful and stringent, an effective collection of the tax can be secured. No declaration is required from any one except the executor or administrator, who is already accountable to the court. . . .

We believe that the community is prepared for this form of taxation, and that public opinion will approve it,—a powerful factor in aid of its efficient collection. Hence, notwithstanding a possibility of some evasion, we are confident that an inheritance tax can be satisfactorily administered and collected.

The burden of such a tax is in most cases borne with comparative ease.

The arguments in favor of a tax on direct inheritances are as much stronger to-day than they were in 1897, as the need of revenue is now greater than it was then.

I strongly recommend the passage of a law taxing direct inheritances, — or, what would perhaps be better, a general inheritance tax law, which would include or supersede our present law taxing only collateral inheritances. Such a tax would constitute one of the principal sources of revenue for the state, and would neither tax our homes nor oppress our industries.

[To the honorable senate and house of representatives, April 7, 1905.]

I transmit herewith draft of a bill prepared by the officers of the federal government with relation to the acquisition of territory within this Commonwealth for the purposes of the national government. It would seem that legislation substantially in accord with that so proposed is consistent with the public interests of this Commonwealth, and in accord with legislative precedents of the Commonwealth. I suggest, however, that the phraseology of the proposed enactment be carefully reviewed, and, in some particulars, amended to the end that the concurrent jurisdiction of this Commonwealth within the acquired territory shall, in all matters of criminal and

civil processes, be securely and indisputably preserved, and that the provisions with relation to the revesting of such exclusive jurisdictional rights of the Commonwealth be certainly provided for in the event that the federal government should hereafter abandon the territory to be acquired.

[To the honorable senate and house of representatives, April 13, 1905.]

I have the honor to transmit herewith for the consideration of your honorable bodies, a communication addressed to the governor and council on behalf of governor Chamberlain of Oregon, the Management of the Lewis and Clark Exposition at Portland, and the Board of Managers for Massachusetts of the Lewis and Clark Centennial Exposition.

[To the honorable senate and house of representatives, April 17, 1905.]

In the annual report of the prison commissioners attention is called to the crowded condition of the state prison at Charlestown where the population has exceeded for some time the single cell capacity of the buildings. This crowded condition cannot be materially relieved by transfers or releases. The need of more room is therefore imperative, as the law requires that there shall be as many separate cells as prisoners. To enlarge the cell buildings at Charlestown would involve great and disproportionate expense, and even if an extension of them could be made of sufficient capacity, there would yet seem to be many strong reasons against a further outlay at this place. All the cell buildings, with the exception of the north wing extension and the separate imprisonment buildings, are old and inconveniently arranged. As far as cleanliness is concerned the present buildings are not open to serious objection, because every possible effort is made to keep them in good condition in that respect; but they have nevertheless many limitations as to usefulness.

The restricted area of the prison lot forbids the general employment of prisoners except in a few industries. There is, moreover, considerable annoyance from the proximity of the railroad, and there are many other disturbing causes in the neighborhood. It is the opinion of many persons familiar with the subject, that all the interests concerned would be better served by a change of location than by an enlargement of the old prison.

In modern and well adapted buildings, much more than is now possible could be done to classify the prisoners and give them opportunities for work and instruction. Mechanical employments could still be supplied for those who apparently would be most benefited by that sort of work. On a large tract of land a variety of agricultural pursuits would furnish useful occupations for the prisoners not adapted to other industries. The dictates of humanity would favor a change on behalf of those prisoners who are to be held in continual custody; and a due regard for the public welfare also requires the largest consideration for the health and proper training of those who at varying periods are to complete their terms of imprisonment.

In presenting this subject to the legislature in their annual report, the prison commissioners disclaimed any purpose to recommend a new location of the prison if the removal should involve any addition to the state debt. The plan of providing a new prison which has been brought to my attention, and to which I have given careful consideration, does not contemplate any additional taxation. It is proposed that if the land now occupied for prison purposes could be sold at a fair price the proceeds would substantially defray the expenses of erecting a new prison elsewhere. And if there should be any deficiency in the amount, that could be supplied from the prison industries fund.

If the prison is removed it should be placed upon a large tract of land, and should be so situated that as far as possible any annoyance to the citizens would be avoided. With these requirements in view some investigation has been made as to a possible location of a prison if it should be decided to make the removal. Among other suggestions a report has been submitted to me in regard to an island site, to which I invite special attention.

In that report it is urged that the island of Nashawena possesses peculiar advantages as a site for the state prison. It is substantially unoccupied, and although at one time it was divided into farms of good tillage, it is now practically waste land. In area it is about two thousand acres, being three miles long and one mile wide. It would furnish abundant opportunities for outdoor employment for all the prisoners who would be adapted to that work, or who would be benefited by it, and the

buildings could be so arranged as to give all needed facilities for grading and classifying of prisoners. The island is situated about six miles from the nearest point of the mainland, is fourteen miles from New Bedford, and thirteen miles from Woods Hole. As far as water borne freights are concerned it would have a decided advantage in respect to economy over any interior situation on the mainland. It can be reached even in the depth of winter without serious obstacle. It has an abundant water supply, and sewage could be readily discharged into an ocean tide. All its physical features are well adapted to promote economy and convenience of administration. At one point on the island the land rises to an altitude of 140 feet above the sea, and from this point and some others of lesser height, the whole island could easily be overlooked. It should be noted especially that if this island were occupied for prison purposes, escapes could be prevented without the construction of a high wall; that there would be no abutting owners or neighbors whose protests or actions would be annoying or injurious to the administration; that the temperature is more equable than in the region of Boston, being from eight to ten degrees warmer in the winter, and about as much cooler in the summer; and that there would shortly be an opportunity to produce a large part of the supplies needed for subsistence.

I offer for your consideration the suggestion that if this island were thus acquired it might furnish a ready solution of the question now pending before the general court as to the disposition of the few lepers within the borders of Massachusetts. Upon one point of the island that projects into Buzzard's Bay a sufficient lot of land could easily be separated from the other parts of the island by a strong barrier, and be devoted to the leper hospital. This hospital would then be situated more than a mile from the nearest buildings used for prison purposes, and could be so guarded and secluded as to avoid all apprehension on the score of communication.

I have learned that this island can be bought for a reasonable price, and it might be worth while to consider the acquisition of it at the present time for the purpose of securing a place for the leper hospital. If the island is taken now, the leper hospital can be immediately constructed and made ready for occupancy this year, and there would always be on hand a suitable site for a state

prison whenever it seemed desirable to make the removal, or the new establishment could be erected without an addition to the debt.

A further proposition that is worthy of consideration is that until sufficient funds to complete the prison are available, there might be provided in the new situation suitable buildings for the accommodation of such a number of convicts as it would be necessary to remove from Charlestown to bring the population within the normal capacity of the prison.

I earnestly commend this subject to your careful consideration, and I strongly recommend the adoption of the plan herein suggested.

[To the honorable senate and house of representatives, April 18, 1905.]

It appears from recent experience of the Commonwealth that sections 7 and 8 of chapter 73, Revised Laws, need amendment in order to make the law fully effective against the business sought to be prohibited by its terms.

I ask of the general court consideration of the matter and such action as seems necessary.

[To the honorable senate and house of representatives, April 24, 1905.]

I return herewith, with my objections in writing, an act entitled "An Act to incorporate the Massachusetts Casualty Company."

This act gives to certain men named therein the right to incorporate as a casualty company with the privilege of transacting business under both the 4th and 5th clauses of section 29, chapter 118 of the Revised Laws, with only the amount of capital now required to do business under one of these clauses.

An act of this nature is, in my judgment, against the interests of the people of the Commonwealth. It is contrary to the provisions of our insurance laws, which divide insurance into certain classes and allow a corporation to do business in only one of the classes, and require it to have a capital of not less than \$200,000 for such one class. The provisions of this act allow the corporation to do business under two classes with only the amount of capital now required to do business under one.

The policy of the insurance law of our Commonwealth should be respected. Its provisions are the carefully prepared results of years of experience and have received the

approval of successive legislatures. Its safeguards are adopted for the protection not only of the policy holders, but of the public at large. That the protection of the public should be considered before dividends to the stockholders cannot be doubted. The amount of the capital stock required of the incorporators for the purposes of transacting business has been a most useful safeguard for the public interests, assuring as it does not only the responsibility of the incorporators, but that the company will have sufficient capital to protect the public by commencing with a properly equipped business and by having sufficient resources to meet any losses which might occur. No company is doing a business within the Commonwealth under a special charter of this nature, and should any change be deemed necessary in our insurance law, such change ought to apply to all alike.

In addition to being directly opposed to the long established policy of our state, this bill is particularly objectionable as special legislation. By its terms it grants a peculiar privilege to a favored few. It has long been the policy of our Commonwealth not only to protect the life and property of its citizens by laws framed with care for their protection, but it has been especially its policy to see that all men were treated equally, and that no group of men should be granted special privileges to do business under circumstances more favorable to them than to other citizens of the Commonwealth.

Feeling that this act seeks to violate the principles of our insurance laws, which have been created for the proper protection of the public, and that it is particularly objectionable in view of its attempt to give a special few privileges denied to the citizens at large, I return the same herewith without my approval.

[To the honorable senate and house of representatives, April 24, 1905.]

Herewith is transmitted for your information and action a letter from Fitzhugh Lee, relative to the celebration of the three hundredth anniversary of the permanent settlement of the English speaking people on this continent.

[To the honorable senate and house of representatives, April 26, 1905.]

By an act of congress, known as River and Harbor Bill, approved March 3, 1905, the following appropriations were made for the improvement of waterways lying

within the city of Quincy and the town of Weymouth of this Commonwealth, in the following language :—

“Improving Town River, Massachusetts: completing improvement, nine thousand eight hundred and twenty-seven dollars and forty-one cents.

“Improving Weymouth Fore River, Massachusetts, in accordance with the report submitted in house document numbered thirty-six, fifty-eighth congress, second session: completing improvement, fifty-seven thousand five hundred dollars: *provided*, that no part of this sum shall be expended until the secretary of war shall have received satisfactory assurance that the improvement of that portion of the Weymouth river which lies above the improvement herein mentioned, and of the Town river, except so much as is herein provided for, shall hereafter be maintained by the state of Massachusetts, or other agency, without expense to the government of the United States.”

You will note that the expenditure of the sum of \$57,500 for the dredging of a channel 300 feet wide and 18 feet deep in the Weymouth Fore river from the termination of the existing 18 foot channel of the Quincy Point bridge, a distance of about one mile, is conditional upon an assurance to be given to the secretary of war that the improvement of that portion of the Weymouth Fore river which lies above the Quincy Point bridge, and of the Town river, shall hereafter be maintained by the state of Massachusetts, or other agency, without expense to the government of the United States.

I am informed that by chapter 440 of the acts of 1903, the state made an appropriation of \$25,000 for dredging the channel of the Weymouth Fore river, and a certain portion of the contemplated work has been completed, leaving a balance of this appropriation available amounting to \$14,764.13.

I am also informed that this sum will complete such improvements above the points of the work to be undertaken by the general government as are necessary to take full advantage of these improvements.

The matter is referred for your consideration and such action as seems proper.

[To the honorable senate and house of representatives, May 8, 1905.]

On the twenty-seventh day of April, 1904, the congress of the United States passed an act appropriating the sum

of \$1,611,740.85 to reimburse the state of Massachusetts for money paid to put troops in the field during the civil war, and May 2, 1904, the secretary drew a warrant therefor, payable to the governor of Massachusetts, and delivered the same to John B. Cotton of Washington, D. C.

Since then the officers of the Commonwealth and Mr. Cotton have been at variance about the possession of the warrant and the payment of the compensation reserved in the contract between the Commonwealth and himself.

The undisputed facts in substance are as follows :

The late governor Wolcott had under consideration in 1898 the advisability of employing an agent or attorney to prosecute the claims of the state against the United States for sums expended during the war of the rebellion which had not been previously collected.

On Jan. 23, 1899, at the governor's request, Mr. Cotton wrote a long letter, calling attention to the laws of the United States under which claims were due to the Commonwealth, and stating the grounds upon which a claim for interest on the state bonds issued in 1861-2 for a war loan might be recovered.

After interviews and correspondence between the governor, attorney-general and Mr. Cotton, the executive council on July 12, 1899, passed the following vote :—

It was voted : that the attorney-general be authorized to employ John B. Cotton of Washington, D. C., to represent this Commonwealth in the prosecution of certain claims for interest money paid by the Commonwealth for loans incurred to meet the expenses of raising troops for the war of the rebellion. The compensation for such employment not to exceed ten per cent of the amount collected.

The following members of the council were present at the meeting :— W. M. Crane, N. F. Ryder, Geo. N. Swallow, Parley A. Russell, M. V. B. Jefferson, Chas. I. Quirk.

The attorney-general, on July 15, 1899, wrote Mr. Cotton and enclosed the contract for his examination and signature. July 19, 1899, he wrote governor Wolcott enclosing the contract signed by Mr. Cotton in duplicate, suggesting the execution thereof by his excellency and affixing the seal of the Commonwealth ; and July 26, 1899, he forwarded one copy of the contract duly executed by the governor to Mr. Cotton. This completed

the contract between the parties, a copy of which is as follows : —

Memorandum of an agreement and appointment made this eighteenth day of July, A.D. 1899, by and between the Commonwealth of Massachusetts, by Roger Wolcott, its governor, on the one part, and John B. Cotton of Washington, District of Columbia, on the other part : —

Witnesseth, whereas, Said Commonwealth of Massachusetts has a claim against the United States for “costs, charges and expenses properly incurred by said state for enrolling, subsisting, clothing, supplying, arming, equipping, paying and transporting its troops engaged in aiding to suppress the insurrection against the United States” between the years 1861 and 1865, both inclusive, under and by virtue of an act entitled “An Act to indemnify the states for expenses incurred by them in defence of the United States”, approved July 27, 1861, and the resolution approved March 8, 1862, declaratory of the intent and meaning of the act aforesaid; and

Whereas, Said Commonwealth of Massachusetts is about to present to the treasury department of the United States its claim aforesaid;

Now, therefore, Said Roger Wolcott, governor of the Commonwealth of Massachusetts, for and in consideration that said John B. Cotton has agreed to present, prosecute and endeavor to recover before the court of claims, the supreme court of the United States, and the treasury department of the United States, said claim of the Commonwealth of Massachusetts, has appointed and does hereby appoint said John B. Cotton its agent and attorney to present, prosecute and recover the claims as aforesaid on the terms and conditions hereinafter specified.

Said John B. Cotton agrees to prepare, present, prosecute and endeavor to recover before said court of claims, the supreme court of the United States, and the treasury department of the United States, the claim aforesaid on behalf of said Commonwealth of Massachusetts at a compensation of ten per centum of the entire sum collected, payable only out of any sums that may be collected hereunder, and without any liability on behalf of said Commonwealth of Massachusetts for expenses incurred by said Cotton in the prosecution of said claim in bringing of petitions, taking depositions, employing of expert accountants, printing of records and briefs, fees of commissioners, costs of court or of any other expense of any kind or nature whatsoever, excepting only the clerical assistance hereinafter specified; and said John B. Cotton does further agree to make and present to the governor of the Commonwealth of Massachusetts or the attorney-general or any other officer of said Commonwealth designated by the governor, at the end of each six months, or oftener if thereto requested, a full report concerning the status and condition of said claim.

It is further understood and agreed that said John B. Cotton shall give prompt attention to the prosecution of said claim, and that he shall be furnished by the proper department of the Commonwealth of Massachusetts facilities and clerical assistance of department clerks for the examination of the books and records of said Commonwealth in relation to said claim, necessary and proper for making up, presentation and prosecution thereof.

In witness whereof, Said Roger Wolcott, governor of said Commonwealth, and in behalf thereof, has hereunto set his hand, and caused the seal of said Commonwealth to be hereto affixed, and said John B. Cotton has hereunto set his hand and seal the day and year first above written.

Signed and sealed in duplicate in presence of

ROGER WOLCOTT,
*Governor of the Commonwealth
of Massachusetts.*
JOHN B. COTTON.

[SEAL OF THE COMMONWEALTH
OF MASSACHUSETTS.]

It will appear from the length of time that this matter was under discussion, and from a review of all the correspondence prior to the execution of the contract, that this contract was made only after the most careful and deliberate consideration, and that the authorized representatives of the Commonwealth, including senators and representatives in the congress, regarded the employment of an agent or attorney to prosecute this claim as a wise and proper thing to do. I know of no reason to question the correctness of their judgment.

A question has been raised as to whether the contract was an authorized and valid contract. The attorney-general has expressed grave doubt as to the validity of the contract and its execution. He has doubts as to the authority of the treasurer to pay the compensation reserved without a legislative resolve, whether the contract is legal or not.

It may be said, in favor of carrying out the contract and paying the compensation as stated, that the governor and council authorized the employment of Cotton, the attorney-general drew the contract and forwarded it to Mr. Cotton for signature and then to the governor, the governor signed it and the seal of the Commonwealth was affixed, the attorney-general forwarded a copy to Cotton, and Mr. Cotton filed a copy of it with the treasury department at Washington and thereupon entered upon the performance of his contract.

In due course of time he secured the finding of the comptroller, and the congress appropriated the money in accordance with the finding; the warrant was subsequently delivered to Mr. Cotton as agent or attorney of Massachusetts, in accordance with the long practice of the department.

No one will question the fact that all the officers of the Commonwealth acted with the utmost good faith, and believed that they were making with Mr. Cotton an authorized and binding contract. It would now seem wise to waive any technicalities, if they exist, and conform to the terms of the employment, which was entered into deliberately and in good faith by both parties.

The Commonwealth is recovering by this appropriation the interest it paid on its bonds issued in 1861 and 1862 for the benefit of the United States. The coupons on these bonds might have been paid in paper currency. But every six months the Commonwealth bought gold and paid its creditors in the same currency which they loaned to the Commonwealth. That was not necessary, but his excellency governor Andrew thought good faith required it, and the state has received well-deserved praise for its action. I submit to you whether it is not wise to deal with this contract in a similar spirit.

The letters and papers are all accessible. If it seems wise, all doubt may be removed as to the legality of the contract or the authority of the treasurer to pay the compensation mentioned therein, and long and vexatious litigation may be ended by the passage of a resolve in substance like the one attached hereto.

I earnestly suggest the passage of such a resolution.

[To the honorable senate and house of representatives, May 9, 1905.]

By request of the secretary of war I herewith transmit for your consideration an act to amend an act approved June 8, 1898, entitled "An Act to approve the purchase by the United States of two tracts of land in the town of Hull, and to cede jurisdiction over the same to the national government."

[To the honorable senate and house of representatives, May 19, 1905.]

I return herewith, with my objections in writing, an act entitled "An Act to authorize the town of Natick to erect a municipal building and to borrow money therefor."

This bill is special legislation. It authorizes the town of Natick to borrow money outside of the limit of indebtedness fixed by the general law of the state. This law is a wise one, and should be disregarded only in cases

of most urgent necessity. The interests of our taxpayers, of our producers, and of the Commonwealth as a whole, demand that public indebtedness be restricted and that the tax rate be kept as low as possible. Such a law inspires confidence and tends to induce capitalists to invest in this state. If exceptions to it are made frequently and on slight pretences, capital will feel insecure and will be withdrawn from the state, to the great injury of our industries and of all of our citizens.

While there may be great need of a municipal building in Natick, it does not appear to me that the need is sufficiently urgent to warrant a violation of one of our best general laws.

For the reasons then that this bill is special legislation, that it impairs the general law limiting the indebtedness of cities and towns, and that it allows a town to incur a debt outside of the statutory limit without sufficient reason therefor, I return it without my approval.

[To the honorable senate and house of representatives, May 23, 1905.]

I return herewith, with my objections in writing, an act entitled "An Act to authorize the city of New Bedford to incur certain indebtedness beyond the limit fixed by law, and to issue bonds, notes or scrip therefor."

This is a special act, and is contrary to the general law of the Commonwealth, which wisely limits the indebtedness of cities. This general law has long been upon our statute books, and was designed to prevent cities from accumulating indebtedness burdensome to the taxpayers. Exceptions from the provisions of this general law should be permitted only when some urgent public necessity demands it.

The bill returned herewith asks permission to incur indebtedness to the extent of three hundred and twenty-five thousand dollars beyond the limit fixed by law.

In my opinion if the debt limit of cities and towns is to be extended, it should be by a general law, rather than by special legislation.

This bill is objectionable because it is special legislation, and is in direct opposition to the long established general law of the Commonwealth. Therefore I return the bill without my signature.

[To the honorable senate and house of representatives, May 24, 1905.]

I return herewith an act entitled "An Act to authorize the payment of money to certain veterans of the civil war."

The bill seeks to authorize the payment by the Commonwealth to every veteran of the civil war who served to the credit of Massachusetts, living at the passage of the act, and who was not a conscript or substitute, the sum of \$125, excepting those who received a bounty. This payment is to be met by the use of a sum not to exceed \$350,000.

Bounties were paid to certain soldiers of the civil war at the time of their enlistment, some by the state, and some by certain cities and towns. The number of veterans who are now living who would be entitled to a bounty under the provisions of this act it is impossible to ascertain. The cities and towns paid bounties to certain men who enlisted, but the records of such payments are in many instances incomplete and unreliable.

This act would attempt to impose on the state an unascertained liability. An investigation based on such facts as can be obtained, however, indicates very clearly that the amount appropriated, \$350,000, would be entirely inadequate to carry out the intent of the act, and that the amount required would be several times the sum provided for.

This bill is similar to chapter 458 of the acts of the year 1904. On July 20, 1904, the governor and council passed an order requesting the opinion of the justices of the supreme judicial court upon certain questions relative to that act, one of which was its constitutionality. On September 21, 1904, the justices returned an answer to this request, which may be found in Vol. 186 of Massachusetts Reports, page 601, stating that the expenditure of money proposed in that act was for a use which was not public but private, and that therefore the statute was not in conformity with the constitution of the Commonwealth.

The act herein returned bore so close a resemblance to the previous act of 1904 that it was deemed wise by the senate to request the opinion of the attorney-general and in pursuance of that request the attorney-general advised the senate on May 15, 1905, that the act which is now

before me is open to the objections of the act of 1904 and is unconstitutional. The provisions of this act are designated as unconstitutional by the legal adviser of the Commonwealth, on an opinion sustained and based on several decisions of our supreme court.

The authority of the governor is measured by the constitution. He is chosen to do what it permits and nothing more, and has taken solemn oath to obey and support it. Should he disregard its provisions, he would usurp his authority, abuse his trust and violate the promise which he made to the people, confirmed by his oath of office. To sign an act which is shown to be in violation of the principles of the constitution is to treat as of no force the most imperative obligations any person can assume.

I therefore return this act, as I deem it unsatisfactory by its provisions, as it imposes an unascertained liability on the Commonwealth, and as the money which the act seeks to appropriate would be insufficient to carry out its intent, but especially in view of what I feel to be my duty on account of my advice that it is unconstitutional.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Revised Laws, chapter 154, section 14, the returns of the following Changes of Names have been received in the office of the Secretary of the Commonwealth, as decreed by the several Probate Courts of the Commonwealth in their respective counties:—

BERKSHIRE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1904.			
Feb. 23,	Paul Todd,*	Paul Karbaum,	Clarksburg.
25,	Anna Belle Phillips,*	Anna Florence Butler,	Pittsfield.
March 1,	Leah Amy Chittenden,*	Leah Amy Wilber,	Pittsfield.
24,	Josie May Daniels,*	Lena May Daniels,	Pittsfield.
May 12,	Arthur William Braman,*	Arthur William Holland,	North Adams.
June 7,	Ruth Train Stanton,*	Ruth Hunter Smith,	Lowell.
Aug. 31,	Lottie Werner,*	Lottie Kittler,	Adams.
Nov. 2,	Bridget P. Crippen,	Bessie Pollock Meleady,	Great Barrington.
9,	Harry Licowsky,	Harry Blank,	Pittsfield.
9,	Rose Florence Alarie,*	Rose Florence Hunter Voyer,	Adams.
25,	Ali J. Housine,	Ali J. Houston,	Pittsfield.
Dec. 27,	Amy Catherine Etchells,*	Amy Catherine Bradley,	Pittsfield.

BRISTOL COUNTY.

Jan. 1,	Annie Currie,*	Annie Reagan,	Fall River.
March 19,	Marion D. Rankin,	Marion D. McCreery,	Fall River.
19,	Mary A. Rankin,	Mary A. McCreery,	Fall River.
May 6,	Frederick W. Gammidge,*	Frederick W. G. Franks,	New Bedford.
20,	Arthur Crompton,*	Robert Donaldson,	Fall River.
June 20,	Mary Ruth Piggott,*	Mary Ruth Ridge,	Fall River.
3,	Joseph Francis Hartley,*	Nelson Hulme,	New Bedford.
3,	Clara A. Bochman,*	Olive Lucille Sleight,	New Bedford.
3,	Florence Cunha,*	Florence Hey,	New Bedford.
10,	Edna I. Brown,*	Edna I. Rust,	Mansfield.
17,	Margaret Booth,*	Gertrude Donahue,	Fall River.
Aug. 5,	John F. Kerr,*	John F. K. Callahan,	Taunton.
Oct. 7,	Freda Krallinger,*	Freda K. Kugler,	Somerset.
7,	Mary F. E. Hammond,*	Mary F. E. Petty,	New Bedford.
7,	Helen P. Swenson,	Helen F. Swenson,	Dartmouth.
14,	Louise McElroy,*	Louise Sherry,	Taunton.
21,	Percy Case,*	Percival C. Morse,	Taunton.
Nov. 4,	Grace H. Rourke,*	Grace H. Bennett,	New Bedford.
4,	Harry Taylor,*	Harry T. Hesford,	New Bedford.
4,	Frank Taylor,*	Frank T. Hesford,	New Bedford.
4,	Evelyn E. Tripp,*	Evelyn E. Webster,	Westport.
18,	Lester B. Foote,*	Lester B. Hardy,	Fall River.
Dec. 2,	Catherine McElroy,*	Catherine Cronan,	Taunton.
2,	Elizabeth Smith,*	Elizabeth Riley,	New Bedford.
9,	Thelma Dorothy——,*	Thelma D. Ansdon,	Attleborough.
16,	Mary Thompson,*	Mary Lillian Sears,	Acushnet.

* Changed by reason of adoption.

ESSEX COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1904.			
Jan. 11,	Julius Donovan,* . . .	Enoch Francis Willard, . . .	Newburyport.
18,	Edith Walsh,* . . .	Edythe Mina Dalton, . . .	Amesbury.
18,	Oreste Pedreschi, . . .	Charles Card, . . .	Lynn.
18,	Agnes A. Pedreschi, . . .	Agnes Annie Card, . . .	Lynn.
18,	William J. Pedreschi, . . .	William John Card, . . .	Lynn.
Feb. 15,	Bernard Harry Schutzkwer, . . .	Bernard Harry Badanes, . . .	Salem.
15,	Elaine Jeanne Schutzkwer, . . .	Elaine Jeanne Badanes, . . .	Salem.
18,	Frances Margaret Tompkins,* . . .	Frances Margaret Hill, . . .	Boston.
March 7,	William H. Hill,* . . .	Harold Folsom Howarth, . . .	Lynn.
7,	Claude A. Phinney, . . .	Alfred Phinney Ringland, . . .	Lynn.
10,	Chester Guppy Brown,* . . .	Chester Guppy, . . .	Marblehead.
14,	Lester Stone,* . . .	Frank Lester Merrill, . . .	Lynn.
14,	Emily Doris Williams,* . . .	Emily Doris Tyler, . . .	Groveland.
14,	Emma Beatrice Williams,* . . .	Emma Beatrice Tyler, . . .	Groveland.
17,	Helen Gertrude Toby,* . . .	Helen Gertrude Clarrage, . . .	Peabody.
April 18,	Marna Lillian Nilson,* . . .	Marna Lillian Nickerson, . . .	Peabody.
18,	William Welsh,* . . .	William Welsh Barty, . . .	North Andover.
May 9,	Myrtle Marion Adams,* . . .	Myrtle Marion Clukey, . . .	Andover.
19,	Henry Douglas Martin,* . . .	Henry Douglas Bisbee, . . .	Boston.
23,	Mabel J. Callahan,* . . .	Mabel Josephine Murphy, . . .	Lynn.
26,	David Bernstein, . . .	David Smith, . . .	Lynn.
June 6,	Harry Horne,* . . .	Harry Mitchell, . . .	Gloucester.
13,	Eleanor Nelson,* . . .	Louise Neal, . . .	New York, N. Y.
13,	John Woodgog, . . .	John Van Horne, . . .	Saugus.
20,	Dorothy Emerson Bailey,* . . .	Dorothy Lillian Weeks, . . .	Lynn.
July 11,	Laura Hemeon,* . . .	Dorothy Laura Campbell, . . .	Lynn.
14,	Harold Frederick Hill,* . . .	Tracy Minton Pullman, . . .	Lynn.
25,	Raymond Charles Paquin,* . . .	Raymond Charles Reed, . . .	Haverhill.
Aug. 1,	Arline Minnie Nutter,* . . .	Arline Zubbie Morgan, . . .	Peabody.
1,	Bessie Osborne Bancroft, . . .	Elizabeth Osborne Bancroft, . . .	Peabody.
Sept. 6,	— Lanouette,* . . .	Ruth Brenda Whitcomb, . . .	Newburyport.
6,	Harry Nelson Weston,* . . .	Nelson Wayne Girard, . . .	Lynn.
19,	William Paine,* . . .	William Bailey, . . .	Boston.
19,	William J. Foster,* . . .	William Foster Ladd, . . .	Haverhill.
26,	Emille Dubreulle,* . . .	Emille Guenette, . . .	Haverhill.
26,	Leroy Jackson,* . . .	Thornton Malcolm Musick, . . .	Boston.
29,	William Francis Bickford,* . . .	William Herbert Brintnall, . . .	Salem.
Oct. 17,	James Robert Sutherland,* . . .	Guy Warren Christiansen, . . .	East Bridgewater.
17,	William C. O'Brien, . . .	William Joseph Cronin, . . .	Gloucester.
31,	Alexander Walter Williamson,* . . .	Alexander Walter Bonner, . . .	Lynn.
Nov. 14,	George Bernier,* . . .	George Edward Osborne, . . .	Bridgewater.
14,	Richard Thomas Outhouse, . . .	Richard Thomas Blackford, . . .	Lynn.
14,	Fanny Ropes, . . .	Frances Ropes, . . .	Salem.
21,	Julia D. Durdeen,* . . .	Julia Doris Broadnax, . . .	Holden.
21,	Edith Gereau,* . . .	Esther Tabor, . . .	Springfield.
21,	Beatrice E. Williams,* . . .	Cosima Thomas, . . .	Brockton.
Dec. 5,	Henry C. P. Chenery, . . .	Henry Clarkson Paul, . . .	Lynn.
5,	Helen Marion Dixon,* . . .	Margaret Catherine Brown, . . .	Boston.
19,	Ethel May Ellis,* . . .	Grace Wilmer Peavey, . . .	Haverhill.
19,	Ethel Maria Gerrish,* . . .	Ethel Maria Gerrish Ricker, . . .	Haverhill.
19,	Eric Lenard Berrinson, . . .	Eric Lenard Johnson, . . .	Salem.
19,	Mary Augusta Sherwood, . . .	Mary Augusta Wilson, . . .	Lynn.

FRANKLIN COUNTY.

March 1,	Harold Nelson Robinson,* . . .	Nelson Sanderson, . . .	Whately.
15,	Edith Clough,* . . .	Edith Clough Miller, . . .	Greenfield.
Sept. 6,	Agnes Julia Munson,* . . .	Agnes Julia Hinds, . . .	Greenfield.
20,	Estelle Langdon Mason,* . . .	Madelene Field Roberts, . . .	Greenfield.

* Changed by reason of adoption.

HAMPDEN COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1904.			
Jan. 6,	Lillian Marie Mayberry,*	Marie Elizabeth Ver Valin,	Hartford, Ct.
6,	Mary Cunningham,*	Hazel May Thomson,	Chicopee.
May 4,	Eva Louise Vining,*	Eva Kellogg,	Holyoke.
July 6,	Reginald Sylvester Marion,*	Hubert Warren Aiken,	Holyoke.
6,	Carl Albin Anderson,	Carl Albin Hall,	Westfield.
Sept. 7,	Benjamin Story Wilson,*	Harold Julius Cummings,	Springfield.
7,	Walter Wilson,*	Walter Butler Cummings,	Springfield.
7,	Helen Viola Sauter,*	Dorothy Clark,	Springfield.
7,	Ernest Stennett Whiting,*	Ernest Stennett Whiting Bishop,	Holyoke.
Oct. 19,	Carrie Lillian Frost,*	Carrie Lillian Frost Newton,	Holyoke.
Nov. 2,	Eunice Edna Stone,*	Eunice Edna Howard,	Chester.
Dec. 21,	Ida Brooks,*	Corilla Augusta Smith,	Westfield.

HAMPSHIRE COUNTY.

March 19,	Amos Harrison Brockett,*	Howard Robert Sheldon,	Southampton.
April 5,	Oscar Ernest Hanson,*	Oscar Ernest Carlson,	Prescott.
5,	Blanche Merriam,*	Blanche Merriam Kennedy,	Ware.
5,	Phillip Conyer,*	Phillip Frederick Conyer Rust,	Westhampton.
May 3,	Joseph Gero,*	Joseph Jacque,	Hadley.
Aug. 2,	Winifred J. Gilbert,*	Winifred J. Byers,	Enfield.
2,	Florence Dell Gilbert,*	Florence Dell Taylor,	Ware.
Sept. 26,	Jennie L. Tibbitts,*	Jennie L. Winton,	Easthampton.
27,	Florence Elizabeth Searles,*	Florence Elizabeth Richardson,	Ware.
Oct. 27,	Ruby Estella Gilbert,*	Ruby Estella Renand,	Ware.
4,	Carl Petruzio,*	Carl Bartlett,	Enfield.

MIDDLESEX COUNTY.

Jan. 5,	Alice Ruth Young,*	Ruth Ellis Martinson,	Boston.
5,	Edith Dagenais, alias Edith Dagenau,*	Edith Brunell,	Lowell.
5,	Blanche Dagenais, alias Blanche Dagenau,*	Blanche Brunell,	Lowell.
19,	Hervey Gingras,*	Hervey Gaudette,	Lowell.
19,	Dolores Gingras,*	Dolores Gaudette,	Lowell.
26,	John Dean,*	Roger Billings,	Newton.
Feb. 26,	Annie Ruth McGuigan,*	Ida Hayden,	Somerville.
4,	David A. McGinty,	David A. Mack,	Malden.
4,	Rebecca A. McGinty,	Rebecca A. Mack,	Malden.
4,	Mary J. McGinty,	Mary J. Mack,	Malden.
4,	Richard F. McGinty,	Richard F. Mack,	Malden.
9,	Helena V. Ahern,*	Helena V. Delaney,	Cambridge.
9,	Edward William Garland,	Albert Edward Garland,	Somerville.
17,	Peter Freddie Olsen,*	Peter Freddie Anderson,	Lowell.
18,	Adeline Marguerite Bokström,*	Hattie Maria Barteaux,	Brookline.
March 2,	Helen G. Goulding,*	Helen Glidden Goulding,	Natick.
8,	Margaret Elizabeth McCusker,*	Margaret Elizabeth Grinnell,	Waltham.
8,	Frederick Murry,*	Frederick Willard Claffin,	Framingham.
16,	Edward Baker, alias Edward J. Parsons, alias Edward J. Drake,	Edward John Drake,	Natick.
17,	Emily E. Kelley,	Emily E. Maynard,	Waltham.
30,	Hans Ratajezak,	John Rehnee,	Cambridge.
April 1,	Bessie Avis Bonney,*	Bessie Avis Buck,	Stoneham.
1,	Abe R. Goldstein,	Abe R. Hyde,	Somerville.
1,	I. Rosa Goldstein,	Rosa I. Hyde,	Somerville.
5,	Gladys Wetherby,*	Gladys May Fowles,	No. Attleborough.
5,	Roy Gerry,*	Roy Harold Higgins,	Boston.
15,	Dorothy Marion Greene,*	Dorothy Marion Adams,	Lynn.

* Changed by reason of adoption.

MIDDLESEX COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1904.			
April 22,	Alice May Beane,	Alice May Vose,	Cambridge.
22,	Samuel Kresnansky,	Samuel Rose,	Cambridge.
26,	Mary J. Green,*	Mary Edna Brown,	Cambridge.
28,	Inez Gould Hassett,*	Inez Gould,	Somerville.
May 3,	Harry Lyness,*	Alexandre Lorenzo Derosier,	Medford.
3,	Winslow H. Williamson,*	Winslow H. Adams,	Everett.
3,	William M. Pass McDonald,*	Martin William Durno,	Somerville.
5,	Elizabeth Sampson Crocker,	Elizabeth Childs Crocker,	Somerville.
6,	Augustus Rosenberg,	Augustus Goodwin,	Somerville.
17,	Dorothy Louise Craib,*	Dorothy Louise Craib Leith,	Everett.
24,	Ruth Gilmour,*	Ruth Paula Rogers,	Boston.
25,	Jennie Mary Clarke,*	Jennie Mary Clarke Adams,	Framingham.
27,	Harry Frederick Cutter,*	Harry Franklin Hildreth,	Somerville.
31,	James Edward Kelly,*	James Louis Hammerschlag,	Everett.
June 1,	Mildred Ellen Babcock,*	Winifred Edwards,	Boston.
1,	Helen L. Bliss,*	Helen L. Goodnow,	Newton.
13,	Jennie B. Hale,	Jennie B. Wilson,	Hudson.
13,	Raymall Haskett Shattuck,*	Samuel David Potts,	Boston.
20,	Fred Glenson,*	Walter Joseph Santver,	Boston.
21,	Evelyn Kennedy,*	Madeline Ayla Dowling,	Chelmsford.
30,	Roland Read,*	Roland Read Rowe,	Revere.
July 5,	Marion Fulton,*	May Branner,	Medford.
5,	Mary Ballard,*	Florence May Corrigan,	Boston.
7,	Mary Smith,*	Maizie Vinnette McEvoy,	Lowell.
18,	Theodore Robinson Mahan,	Theodore Robinson Huntington,	Marlborough.
19,	Oscar E. Parlee,*	Oscar E. Roberts,	Chelmsford.
20,	James Joseph Mulhern,*	James Joseph Carroll,	Cambridge.
20,	Ada Catherine Mulhern,*	Ada Catherine Carroll,	Cambridge.
26,	John Fielding Campbell,*	John Fielding Jones,	Melrose.
26,	Blanche Guyette,*	Blanche La Liberty,	Leominster.
28,	Owen Haynes,*	Robert Anderson,	Cambridge.
28,	Harry Svenson,*	Harold Adams Wellington,	Worcester.
28,	Walter Smith,*	Walter Ellsworth Fassett,	Boston.
Aug. 19,	Svea Mathilda Backman,	Grace Svea Mathilda Backman,	Waltham.
Sept. 6,	Adebert Zwink,*	Francis John Kirchmayer,	Boston.
6,	Lydia Barnes,*	Pauline Hazel Lamoureux,	Boston.
20,	Ruth Gilmore Leith,*	Alta May Perkins,	Lowell.
20,	Edna May Morrison,*	Ruth Sage,	Athol.
24,	Daisy Isabelle Petrie,*	Daisy Isabelle Greenlaw,	Cambridge.
24,	Benjamin Corosky,	Benjamin Crosby,	Maynard.
Oct. 28,	John Albert Silver,	John Albert Thatcher,	Somerville.
4,	Charles S. Hanson,	Charles S. Nelson,	Newton.
14,	William Scott, Junior,*	William Lamb Scott,	Natick.
19,	Mary Lottie Babine,*	Helen Elizabeth Colmey,	Reading.
25,	Ralph M. Browne,*	Ralph Kenneth Allen,	Somerville.
Nov. 4,	George W. Cockell,	George Washington Cockell,	Framingham.
10,	Mary Frisk,*	Jessie Irene Capers,	Melrose.
12,	Alice E. Parlee,*	Alice E. Roberts,	Chelmsford.
18,	Elizabeth Horther,*	Elizabeth Horther MacCaffery,	Medford.
Dec. 2,	Agnes Genivieve McNeill,*	Agnes Genivieve Grandfield,	Everett.
1,	Joseph Barlofsky,	Joseph Richard,	Lowell.
6,	Anna Gertrude Keene,*	Gertrude Keene Lord,	Somerville.
13,	Dora M. Garzan,*	Doris Arleen Bartlett,	Dedham.
13,	Elizabeth Mildred Power,*	Elizabeth Mildred Pero,	Boston.
13,	Edith May Berry,*	Edith Evelyn Kilcup,	Boston.
13,	Mabel L. Ellis,*	Edith Rice,	Wilbraham.
14,	Lester Hebb,*	Lester Peterson,	Watertown.
20,	Lester Dalrymple,*	Lester H. Porter,	Boston.
20,	Elsie May McCarthy,*	Elsie May Crowson,	Concord.
21,	Katherine Ross,*	Katherine Kelley,	Medford.
27,	Ora Maddocks,*	Vera M. Gale,	Cambridge.

NANTUCKET COUNTY.

Oct. 13,	Leonard Franklin Baker,*	Leonard Baker Grouard,	Nantucket.
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* Changed by reason of adoption.

NORFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1903.			
Nov. 25,	Martin Bateman,* . . .	Lester Grant, . . .	Brookline.
1904.			
Jan. 6,	Mary Hayes,* . . .	Marion Faxon, . . .	Brookline.
13,	Faith Rogan,* . . .	Elsie Wheeler, . . .	Needham.
21,	Florence Hazeltime Gardner,*	Florence Hazeltime Wignmore,	Norwood.
Feb. 17,	Ethel Taylor Watson,* . . .	Zorah Mills, . . .	Hyde Park.
March 23,	John W. Pinkofski, . . .	John W. Pink, . . .	Brookline.
April 6,	Harold Joseph Sproul,* . . .	Harold Joseph Morgan, . . .	Quincy.
20,	Hannah Elizabeth Grady, . . .	Hannah Elizabeth Shackford, . . .	Brookline.
20,	Susan Frances Grady, . . .	Susan Frances Shackford, . . .	Brookline.
20,	Edward Warren Grady, . . .	Edward Warren Shackford, . . .	Brookline.
May 4,	Lillian Augustus Lane,* . . .	Eleanor Irene Carney, . . .	Braintree.
18,	John Lynch,* . . .	Frank Magazu, . . .	Braintree.
18,	Dorothy Bisbee,* . . .	Janet Henderson, . . .	Hyde Park.
18,	Wilbert Dean,* . . .	Willbur Morrison Tatten, . . .	Stoughton.
June 15,	Mabel Gladys Berry,* . . .	Dorothy Elizabeth Mercer, . . .	Needham.
15,	Pearl Center,* . . .	Elizabeth Warren Rice Perkins, . . .	Wellesley.
15,	Howard Betts Parker,* . . .	Percival Reynolds Hunt, . . .	Hyde Park.
22,	Beatrice Anita Baldwin,* . . .	Beatrice Anita Turnbull, . . .	Brookline.
July 6,	Francis Doran,* . . .	Francis McGinley, . . .	Hyde Park.
6,	William Morton Montgomery,*	William Morton Montgomery	
		Livingston, . . .	Medway.
20,	Marion Murphy,* . . .	Marion Downey, . . .	Quincy.
Sept. 14,	Sarah Clark,* . . .	Marion Evelina Vial, . . .	Quincy.
Oct. 12,	Mary Eager,* . . .	Maude Eileen Anglim, . . .	Braintree.
19,	Waverly King Russell,* . . .	Waverly King, . . .	Bellingham.
26,	Apthorp Gould Fuller, . . .	Benjamin Apthorp Gould Fuller, . . .	Brookline.
26,	Jerome Elias Heilborn, . . .	Jerome Stern Heilborn, . . .	Brookline.
Nov. 9,	George W. Rutman, . . .	George W. Leonard, . . .	Quincy.
9,	Johan Reinhold Johanson, . . .	John Reinhold Narsten, . . .	Quincy.
9,	Margaret Musette,* . . .	Margaret Griffin, . . .	Quincy.
9,	Beatrice Clark,* . . .	Beatrice Campbell Boggs, . . .	Quincy.
Dec. 7,	Andrew Murray Nelson,* . . .	Andrew Nelson Wardle, . . .	Dedham.
9,	Katherine Holliday, . . .	Rebecca Francis Holliday, . . .	Sharon.
14,	Lillian McCarthy,* . . .	Alethea Gould, . . .	Braintree.
28,	George Harrison Bassett,* . . .	George Harrison Way, . . .	Brookline.

PLYMOUTH COUNTY.

Jan. 25,	Engene N. Clapper, . . .	Engene Loyed Nelson, . . .	Brockton.
25,	Mabel Roth,* . . .	Mabel Drew, . . .	Hanover.
25,	Myron F. Putney,* . . .	Myron F. Lawson, . . .	W. Bridgewater.
25,	Mildred F. Putney,* . . .	Mildred F. Lawson, . . .	W. Bridgewater.
Feb. 8,	Philip Hamblin Folger,* . . .	Philip H. Little, . . .	Brockton.
8,	Harold Martin,* . . .	Harold Linwood Spooner, . . .	Scituate.
23,	Gladys Lillian Small,* . . .	Gladys Lillian Ames, . . .	Brockton.
March 28,	McArthur,* . . .	Olive Mildred Montgomery, . . .	Brockton.
28,	Gertrude May Pottelle,* . . .	Ethel May Sampson, . . .	Brockton.
May 23,	Ethel Annie Steeves,* . . .	Ethel Ingraham, . . .	Wellesley.
June 13,	Vernon Leroy Butler,* . . .	Vernon Francis Pierce, . . .	Abington.
13,	Warren M. Jordan,* . . .	Warren M. Goodspeed, . . .	Duxbury.
27,	Annie F. Ryan,* . . .	Rosanna Francis McCabe, . . .	Brockton.
Oct. 24,	Lois M. Trites,* . . .	Sadie L. M. Smith, . . .	Brockton.
24,	Mildred F. Gould,* . . .	Mildred F. Bolles, . . .	Rochester.
24,	Marion S. Carlett,* . . .	Marion S. Richardson, . . .	Brockton.
Nov. 14,	Grace Merle Smith,* . . .	Grace Merle Belcher, . . .	Whitman.
14,	Gertrude Eva Brewer,* . . .	Gertrude Eva Bellerby, . . .	Plymouth.
Dec. 12,	Mary Jacobs,* . . .	Florence Mabel Perkins, . . .	Scituate.
12,	James Dovens,* . . .	James Francis Williams, . . .	Lakeville.
12,	Gladys M. Campbell,* . . .	Marjorie E. Sullivan, . . .	Bridgewater.
27,	Ruth W. Donnelly,* . . .	Ruth W. Buttomer, . . .	Brockton.
27,	Charles A. Bull, . . .	Charles A. Cushing, . . .	Brockton.

* Changed by reason of adoption.

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1903.			
Jan. 1,	Dorothea Parker, . . .	Dorothy Ames Parker, . . .	Boston.
1,	Katherine Claxton, . . .	Marjorie Edwards, . . .	Boston.
22,	Gertrude McDonald, . . .	Gertrude Vaillancourt, . . .	Boston.
1904.			
Jan. 7,	Otto Friedrich Pistor, . . .	Otto Friedrich Bistor, . . .	Boston.
7,	Mabel Catherine King,* . . .	Mary Isabelle Malone, . . .	Waltham.
21,	Charles Wentworth,* . . .	Richard Wentworth Shea, . . .	Boston.
26,	Robert Davis,* . . .	Russell Hammond Hinds, . . .	Boston.
26,	Florence M. Blackstone,* . . .	Pearl Averill Kelly, . . .	Boston.
28,	Mary Cooney,* . . .	Mary Cooney Rogers, . . .	Boston.
Feb. 4,	Grace A. Wildman,* . . .	Grace Adele Hannaford, . . .	Boston.
4,	Alexander Rubinsky, . . .	Alexander Rubinsky Robbins, . . .	Boston.
4,	Meyer Joshua Swirsky, . . .	Meyer Joshua Sawyer, . . .	Boston.
4,	Alexander Rosenthal, . . .	Alexander Rose, . . .	Boston.
11,	Ada Mand Leavitt,* . . .	Evelyn Holmes Bradbury, . . .	Boston.
11,	Madeline Gallup, . . .	Marjorie Lois McLeod, . . .	Boston.
11,	Edna Marie Shackford,* . . .	Edna Marie Schoolcraft, . . .	Boston.
18,	David Goldstein, . . .	David H. Hyde, . . .	Boston.
18,	Rosie Goldstein, . . .	Rosie Hyde, . . .	Boston.
18,	Maria Lavault,* . . .	Maria Fidelia Loveland, . . .	Boston.
18,	Joseph J. Dumec,* . . .	Joseph J. Hennigar, . . .	Boston.
18,	Fred P. Preston, . . .	Friedrich Arthur Gottlieb Giesel, . . .	Boston.
25,	John Paul Goring, . . .	John Paul Gallagher, . . .	Boston.
25,	Percy Emerson Brown, . . .	Percy Brown, . . .	Boston.
March 25,	Violet Sullivan,* . . .	Beatrice Largie, . . .	Quincy.
3,	Winifred Allison Peck,* . . .	Florence Gertrude Barker, . . .	Boston.
3,	Sarah Ware Bassett, . . .	Sara Ware Bassett, . . .	Boston.
8,	Sydney Bickford,* . . .	Sydney Frederick Reynolds, . . .	Cambridge.
17,	Edna R. McMahon,* . . .	Dorothy Edna Kenney, . . .	Cambridge.
17,	Tillie Sandler,* . . .	Tillie Rosenberg, . . .	Boston.
21,	Michael Highlands, alias Hy-land,* . . .	Michael O'Connor, . . .	Boston.
24,	Joseph Badanovitz, . . .	Joseph Bond, . . .	Boston.
24,	Clarence Seibert,* . . .	Woodworth Cann, . . .	Boston.
24,	May Doane, . . .	Maye Benjamin Doane, . . .	Boston.
24,	Mary E. Rushaw,* . . .	Mary Margaret Catherine Elizabeth Foster, . . .	Boston.
28,	Alice Elizabeth Buchanan,* . . .	Alice Elizabeth Fernald, . . .	Boston.
31,	Rasmus Lar Peter Arnold Rasmussen, . . .	Peter Arnold Hall, . . .	Boston.
April 7,	Ethel May Bacon,* . . .	Ethel Bacon McAllister, . . .	Boston.
14,	Delia Rodenizer, . . .	Delia Rhodes, . . .	Chelsea.
14,	Michael Gorham Chenery, . . .	Gorham Michael Chenery, . . .	Boston.
14,	Randolph Birkley,* . . .	Harold Randolph Hayward, . . .	Boston.
21,	Stanislaw Onufrier Stefanowicz, . . .	Frank Leon Grottoff, . . .	Boston.
May 28,	Margaret F. Conley,* . . .	Margaret F. Clougherty, . . .	Boston.
5,	Anna E. Lundgren, . . .	Anna E. Svensson, . . .	Boston.
5,	Margaret Viola Bell,* . . .	Arletta Isabel Dingwell, . . .	Boston.
5,	Ellen Dooley,* . . .	Louisa Elizabeth Werner, . . .	Boston.
5,	Christian Parker Shaw,* . . .	David Christian Landry, . . .	Boston.
5,	Aneta Nickson,* . . .	Aneta Cannon, . . .	Boston.
12,	Hilda Ruth Duke,* . . .	Constance Bartlett, . . .	Boston.
12,	Lindsley Bernard Sexton, . . .	Lindsley Bernard Schell, . . .	Boston.
12,	Michelangelo Fienza, . . .	Michelangelo Giulio Fianza Marioni, . . .	Boston.
19,	Raymond Bliss Barrows,* . . .	Raymond Bliss Rich, . . .	Boston.
19,	Mildred C. Baccigalupo,* . . .	Mildred C. Daly, . . .	Boston.
26,	Vere McGrath,* . . .	Julia Abbie Barry, . . .	Frammingham.
June 26,	Florence Edna Mansfield,* . . .	Mildred Anna Fox, . . .	Everett.
2,	Ruth Wright,* . . .	Ruth Irene Coleman, . . .	Boston.
2,	Aleph Celestia Starr Underwood, . . .	Aleph Celestia Starr Purdy, . . .	Boston.
9,	Amelia Ruth Lawrence,* . . .	Ruth Baker, . . .	Boston.
9,	Sarah Carlson,* . . .	Arlene Murphy, . . .	Boston.
23,	Helen Sullivan,* . . .	Gertrude Mary Saidak, . . .	Boston.

* Changed by reason of adoption.

SUFFOLK COUNTY—Concluded.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1904.			
July 1,	Thirza B. Fairbanks,*	Thirza B. Clark,	Boston.
14,	Ruth Estelle Lincoln,*	Ruth Estelle Mahan,	Boston.
21,	James Foster,*	James Wilks,	Revere.
Aug. 18,	Rebecca Sheehmaster,	Rebecca Master,	Boston.
18,	Mendal H. Sheehmaster,	Max H. Master,	Boston.
18,	Henry Wilson Barrell,	George F. Poole,	Boston.
18,	Hyman Greenstein,	Hyman Green,	Boston.
18,	Morris Soperstein,	Morris Edmund Spear,	Boston.
18,	Margaretta Pendergast,*	Harriet Isabel De Witt,	Boston.
18,	Eulie Louise Rushmore,*	Eulie Louise Smith,	Boston.
18,	Lloyd Conley,*	Joseph Lloyd Allen,	Boston.
18,	William McVicar,*	Le Roy Faustin Taylor,	Boston.
Sept. 1,	Mary E. Denely,*	Mary E. Welch,	Boston.
8,	Bessie Bell,*	Annie Hazel Dowling,	Boston.
8,	Louise Myers,*	Lonise Myers Dean,	Boston.
15,	John J. F. Malloy,	John F. Molloy,	Boston.
15,	Mabel Cuddy,*	Mabel Elizabeth Maddox,	Boston.
22,	William Barry,*	William Welch,	Boston.
22,	Dorothy McKenna,*	Dorothy Holland Brewer,	Boston.
Oct. 6,	Elsie Blanche Spurr,*	Elsie Blanche Haynes,	Perotte, N. S.
6,	Jacob Soperstein,	Jacob Spear,	Boston.
6,	Mary Soperstein,	Mary Spear,	Boston.
6,	Althea Frances Wornelle,*	Althea Frances Stonehouse,	Boston.
6,	Jeanette W. Newlander,	Jeanette F. Sherwood,	Boston.
6,	Raymond Whittier,*	Raymond Bradford MacDonald,	Boston.
13,	Elizabeth Farnille,*	Elizabeth Mary Portall,	Boston.
13,	Johannes Octavius Enwall,	Hasse Octavius Enwall,	Boston.
13,	Bessie May Crawford,*	Virginia Osborn Wheeler,	Boston.
20,	Francis Spears,*	Francis Monk,	Boston.
20,	Elizabeth A. Best,	Elizabeth A. McDonald,	Chelsea.
20,	Hyman Wilensky,	Henry Williams,	Boston.
27,	Olive Laurence Whipple,*	Olive Laurence Whipple Pea- body,	Hamilton.
Nov. 3,	Madeline Heffernan,*	Madeline McLaughlin,	Boston.
3,	Harry Arthur Claude Fowler,*	Harry Arthur Claude Fay,	Boston.
3,	Margaret Allison Davis,*	Marguerite Gertrude Miller,	Boston.
3,	Ruth Donnelly,*	Florence Ruth Hudson,	Boston.
10,	Dora Howe Bernhardt,*	Dora Howe Bernhardt Shedd,	Boston.
10,	Carl Warsofsky,	Carl Warsowe,	Boston.
17,	Michael Finger,	Michael Finger Rosenthal,	Boston.
17,	Sarah Finger,	Sarah Finger Rosenthal,	Boston.
17,	Isak Call Olsen,	Isak Call Gruner,	Boston.
17,	Harry W. Synette,	Harry W. Leighton,	Boston.
17,	Harry A. Stewart,*	Harry Peirce Proctor,	Boston.
17,	Dorice Jones,*	Dorice Rose Langford,	Boston.
17,	Marion H. Kidder,*	Marion H. Corlew,	Boston.
17,	Agnes C. Sullivan,*	Agnes C. Burns,	Boston.
17,	Amy Rodah Ross,*	Amy Rodah Dyer,	Boston.
25,	Esther C. Campbell,*	Esther Campbell Cann,	Boston.
Dec. 1,	Mary McNally,*	Mary Cotter,	Boston.
1,	Georgia Arlington,*	Annie Laura Taylor,	Cambridge.
1,	Dorothy Wiggins,	Dorothy Fairfield,	Boston.
8,	Thomas Francis Sullivan,	Thomas Francis Ward,	Boston.
8,	Robert Daniel O'Connell,	Robert Daniel O'Connell Burnett,	Boston.
8,	James Daniel Meyer,*	James Daniel Howard,	Boston.
15,	Edith O'Neil,*	Cecilia Evelyn Keleher,	Boston.
15,	Harry Levine,	Henry Levisn Lyman,	Boston.
15,	Alice Olivia Kerr,*	Alice Olivia Tuttle,	Boston.
15,	Eric Owen Curley,*	Eric Andrew McLaughlin,	Boston.
15,	Edward George Morton,*	Edward Warren Berry,	Boston.
15,	Sherman E. Gosline,	George Sherman Hopkins,	Boston.
22,	Johanna M. Decatar,	Johanna M. Gabel,	Chelsea.
22,	Emil Waldemar Møllergren,	Emil Waldemar Miller,	Boston.
22,	John Carroll,*	John Costello,	Boston.
29,	Ned Lewis Sheldon,	Nelsen Lewis Sheldon,	Boston.
29,	Timothy A. Broderick,	Samuel J. Broderick,	Boston.

* Changed by reason of adoption.

WORCESTER COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1904.			
Jan. 5,	Murray Wakefield,* . . .	Murray Wakefield Dickie, . .	Worcester.
12,	Mary Cadigan,* . . .	Mary Keane, . . .	Milford.
13,	Edwin Sumner,* . . .	Edwin Smith, . . .	Worcester.
21,	Mabel Julia Vincent,* . .	Myrtle Rebecca Snow, . . .	Worcester.
29,	Grace May Bell,* . . .	Doris May Roberts, . . .	Worcester.
Feb. 23,	Conrad John Dahlquist,* .	Conrad John Raabe, . . .	Gardner.
March 22,	Susan Riardwell,* . . .	Edith May Coddling, . . .	Winchendon.
April 20,	Alma Riendeau,* . . .	Alma Peloquin, . . .	Webster.
25,	Irene N. Lewis,* . . .	Irene Emily Baskerville, . .	Worcester.
May 2,	Madeline Elizabeth Moran,*	Madeline Elizabeth Medley, .	Leominster.
23,	Clarence Whitman,* . . .	George Levi Osgood, . . .	Lancaster.
24,	Isabella Guy,* . . .	Mabel Guy Houghton, . . .	Leominster.
25,	Edwin Smith,* . . .	Edwin Fish Franklin, . . .	Worcester.
June 8,	Martha May Knox,* . . .	Martha May Griggs, . . .	Westborough.
21,	Charles Ludwig Olson, . .	Charles Ludwin Bjorkman, . .	Worcester.
28,	Viola Francis Dumas,* . .	Gabrielle Alarie, . . .	Worcester.
July 20,	Gertrude Isabelle Russell,*	Gertrude Russell Tracy, . .	Leominster.
22,	Lucy Trowbridge Porter,* .	Lucy Trowbridge Phillips, . .	Webster.
26,	Elida C. Campbell,* . . .	Elida Catherine Sewall, . .	Fitchburg.
Sept. 1,	Cecilia Henricia St. Denis,*	Maria Léona Lélianne Roger, .	Fitchburg.
6,	Carl T. Brelin, . . .	Charles T. Burlin, . . .	Northbridge.
13,	Frederic Burnett,* . . .	Frederic Burnett Bond, . . .	Worcester.
13,	John Kallander Chace,* . .	John Kallander Brigham, . .	Boston.
13,	Marjorie Florence Pierce, .	Marjorie Elizabeth Pierce, . .	Leominster.
15,	Marian Hart,* . . .	Marian Irena Barton, . . .	Worcester.
20,	Victor Ferdinand Johnson, .	Victor Ferdinand Bruce, . . .	Worcester.
20,	Leo Plasikowski, . . .	Leo Joseph Koski, . . .	Worcester.
Oct. 24,	Gladys Geraldine Gilbert,*	Gladys Sarah Langevin, . . .	New Braintree.
Nov. 7,	Mary Jacques,* . . .	Alice Mary Lent, . . .	Milford.
9,	Mary Hentz,* . . .	Margaret Mooney, . . .	Worcester.
9,	Ruth Hentz,* . . .	Veronica Mooney, . . .	Pittsford, Vt.
10,	Edward Fitzmaurice Dunker- ton, . . .	Fitzmaurice Coghlin, . . .	Worcester.
11,	Lyle Snow Dunkerton, . . .	Lyle Snow Coghlin, . . .	Worcester.
Dec. 3,	Alice E. O'Hara,* . . .	Alice Elizabeth Faughnan, . .	Worcester.
13,	Hilda Louise Weaver,* . . .	Hilda Louise Roberts, . . .	Worcester.
23,	Florence N. Hartwell,* . .	Florence N. Horrigan, . . .	Princeton.

* Changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF

The Commonwealth of Massachusetts,
AND OFFICERS IMMEDIATELY CONNECTED THEREWITH FOR
THE POLITICAL YEAR

1905.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
WILLIAM L. DOUGLAS,
GOVERNOR.

WILLIAM R. BUCHANAN *Private Secretary.*
EDWARD F. HAMLIN *Executive Secretary.*

HIS HONOR
CURTIS GUILD, JR.,
LIEUTENANT GOVERNOR.

COUNCIL — (By Districts).

I. — ROLAND C. NICKERSON Brewster.
II. — FREDERICK S. HALL Taunton.
III. — WARREN W. RAWSON Arlington.
IV. — MICHAEL J. SULLIVAN Boston.
V. — GEORGE R. JEWETT Salem.
VI. — WALTER SCOTT WATSON Lowell.
VII. — WILLIAM A. LYTLE Worcester.
VIII. — JOHN W. WHEELER Orange.

WILLIAM M. OLIN,
SECRETARY OF THE COMMONWEALTH.

ISAAC H. EDGETT, *1st Deputy.* HERBERT H. BOYNTON, *2d Deputy.*

ARTHUR B. CHAPIN,
TREASURER AND RECEIVER GENERAL.

HENRY S. BRIDGE, *1st Clerk.* A. B. C. DEMING, *2d Clerk.*
WENDELL P. MARDEN, *Cashier.*

HENRY E. TURNER,
AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.* JAMES POPE, *2d Clerk.*

HERBERT PARKER,
ATTORNEY-GENERAL.

ROBERT G. DODGE, FREDERICK H. NASH,
ARTHUR W. DEGOOSH, FREDERIC B. GREENHALGE,
ASSISTANT ATTORNEYS-GENERAL.

LEGISLATIVE DEPARTMENT.

GENERAL COURT.

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1896.

SENATE.

President — WILLIAM F. DANA.

District.	Name of Senator.	Residence.
First Suffolk, . . .	John E. Beck, . . .	Chelsea.
Second “ . . .	James J. Mellen, . . .	Boston.
Third “ . . .	William Taylor, . . .	Boston.
Fourth “ . . .	John J. Gartland, Jr., . . .	Boston.
Fifth “ . . .	David D. Leahy, . . .	Boston.
Sixth “ . . .	Thomas J. Collins, . . .	Boston.
Seventh “ . . .	Edward B. Callender, . . .	Boston.
Eighth “ . . .	Andrew J. Peters, . . .	Boston.
Ninth “ . . .	Daniel W. Lane, . . .	Boston.
First Essex, . . .	William F. Craig,* . . .	Lynn.
Second “ . . .	William D. Chapple, . . .	Salem.
Third “ . . .	Moody Kimball, . . .	Newburyport.
Fourth “ . . .	James H. Walker, . . .	Amesbury.
Fifth “ . . .	Edwin J. Castle, . . .	Methuen.
First Middlesex, . . .	William F. Dana, . . .	Newton.
Second “ . . .	William J. Rounds, . . .	Cambridge.
Third “ . . .	John M. Woods, . . .	Somerville.
Fourth “ . . .	Charles L. Dean, . . .	Malden.

* Resigned May 26.

District.	Name of Senator.	Residence.
Fifth Middlesex, . . .	Harrie C. Hunter, . . .	Marlborough.
Sixth " . . .	Chester W. Clark, . . .	Wilmington.
Seventh " . . .	Edwards Cheney, . . .	Lowell.
Middlesex and Essex, . . .	Sidney A. Hill, . . .	Stoneham.
First Worcester, . . .	Frank M. Heath, . . .	Worcester.
Second " . . .	John P. Munroe, . . .	Worcester.
Third " . . .	Morton E. Converse, . . .	Winchendon.
Fourth " . . .	Alvin B. Chamberlain, . . .	Sturbridge.
Fifth " . . .	Samuel E. Hull, . . .	Millbury.
First Hampden, . . .	Fordis C. Parker, . . .	Springfield.
Second " . . .	Harold P. Moseley, . . .	Westfield.
Franklin and Hampshire, . . .	Frank Gerrett, . . .	Greenfield.
Berkshire, . . .	William A. Burns, . . .	Pittsfield.
Berkshire and Hampshire, . . .	Loren P. Keyes, . . .	New Marlboro'.
First Norfolk, . . .	Edward B. Nevin, . . .	Weymouth.
Second " . . .	Prentiss Cummings, . . .	Brookline.
First Plymouth, . . .	William S. Kyle, . . .	Plymouth.
Second " . . .	George H. Garfield, . . .	Brockton.
First Bristol, . . .	Silas D. Reed, . . .	Taunton.
Second " . . .	Frank M. Chace, . . .	Fall River.
Third " . . .	William J. Bullock, . . .	New Bedford.
Cape, . . .	Heman Andrew Harding, . . .	Chatham.

HENRY D. COOLIDGE, *Clerk.*

EDWARD A. HORTON, *Chaplain.*

DAVID T. REMINGTON, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker — LOUIS A. FROTHINGHAM.

COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1, . . . {	George H. Battis, . . . Robert J. Gove, . . .	Boston. Boston.
2d,	Boston, Ward 2, . . . {	John J. Flaherty, . . . Daniel J. Sheehan, . . .	Boston. Boston.
3d,	Boston, Ward 3, . . . {	Francis J. Doherty, . . . Daniel J. McDonald, . . .	Boston. Boston.
4th,	Boston, Ward 4, . . . {	George H. Cadigan, . . . John H. Quinlan, . . .	Boston. Boston.
5th,	Boston, Ward 5, . . . {	James A. McDonald, Jr., . . . Maurice J. Power, . . .	Boston. Boston.
6th,	Boston, Ward 6, . . . {	Thomas J. Grady, . . . George A. Scigliano, . . .	Boston. Boston.
7th,	Boston, Ward 7, . . . {	James F. McDermott, . . . John Quinn, Jr., . . .	Boston. Boston.
8th,	Boston, Ward 8, . . . {	Martin M. Lomasney, . . . Robert K. McKirdy, . . .	Boston. Boston.
9th,	Boston, Ward 9, . . . {	Daniel L. Flanagan, . . . Charles H. Reinhart, . . .	Boston. Boston.
10th,	Boston, Ward 10, . . . {	J. Bernard Ferber, . . . George H. Moore, . . .	Boston. Boston.

COUNTY OF SUFFOLK — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11, .	March G. Bennett, . Louis A. Frothingham, .	Boston. Boston.
12th,	Boston, Ward 12, .	Fred A. Ewell, . Charles W. Paradise, .	Boston. Boston.
13th,	Boston, Ward 13, .	Eugene T. Brazzell, . Edward F. McGrady, .	Boston. Boston.
14th,	Boston, Ward 14, .	J. Frank O'Hare, . Robert J. Ware, .	Boston. Boston.
15th,	Boston, Ward 15, .	Edward C. Creed, . William E. Hickey, .	Boston. Boston.
16th,	Boston, Ward 16, .	William J. Doogue, . John M. McDonald, .	Boston. Boston.
17th,	Boston, Ward 17, .	Jeremiah J. Good,* William P. Grady, .	Boston. Boston.
18th,	Boston, Ward 18, .	John J. Butler, . David M. Owens, .	Boston. Boston.
19th,	Boston, Ward 19, .	John F. Egan, . Joseph E. Mooney, .	Boston. Boston.
20th,	Boston, Ward 20, .	Walter L. Collins, . Frank W. Thayer, .	Boston. Boston.
21st,	Boston, Ward 21, .	Clarence W. Starratt, Edmund Weber, .	Boston. Boston.
22d,	Boston, Ward 22, .	Frank Seiberlich, . Walter A. Webster, .	Boston. Boston.
23d,	Boston, Ward 23, .	John J. Conway, . Joseph J. Leonard, .	Boston. Boston.
24th,	Boston, Ward 24, .	William E. Hannan, Henry N. Locklin, .	Boston. Boston.
25th,	Boston, Ward 25, .	Charles D. B. Fisk, . Frank H. Howe, .	Boston. Boston.
26th,	Chelsea, Wards 1, 2, .	Daniel M. O'Connell, .	Chelsea.

* Elected February 14; qualified February 24, to fill a vacancy in said district.

COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
27th,	Chelsea, Wards 3, 4, .	Samuel O. Jones, . .	Chelsea.
28th,	{ Chelsea, Ward 5, . . } { Revere, } { Winthrop, }	Eugene F. Endicott, .	Chelsea.

COUNTY OF ESSEX.

1st,	Amesbury,	Samuel L. Porter, . .	Amesbury.
2d,	{ Merrimac, } { Newburyport, Ward 6, . . } { Salisbury, } { West Newbury, }	George A. Titcomb, .	Merrimac.
3d,	Haverhill, Wards 4, 6,	Mellen A. Pingree,* .	Haverhill.
4th,	Haverhill, Wds 1, 2, 3,	Fred V. Hooke, . .	Haverhill.
5th,	Haverhill, Ward 5, .	William L. Adams, .	Haverhill.
6th,	{ Lawrence, Wards 1, 2, } { Methuen, }	Edward A. Bower, . . John H. Spinlow, . .	Methuen. Lawrence.
7th,	{ Lawrence, Wards 3, 4, } { 5, 6, }	Edward C. Callahan, . William J. Graham, . John P. Whalen,† .	Lawrence. Lawrence. Lawrence.
8th,	{ Andover, } { Middleton, } { North Andover, }	John N. Cole, . .	Andover.
9th,	{ Boxford, } { Georgetown, } { Groveland, } { Haverhill, Ward 7, . . }	Harry P. Morse, . .	Haverhill.
10th,	{ Danvers, } { Peabody, } { Topsfield, }	John L. Fiske, . . Arthur W. Sim, . .	Topsfield. Peabody.
11th,	{ Lynn, Ward 3, . . } { Swampscott, }	John M. Grosvenor, Jr., . George H. Jackson, .	Swampscott. Lynn.

* Died June 16.

† Died March 23.

COUNTY OF ESSEX—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
12th,	{ Lynn, Wards 1, 5, 7, . } { Lynnfield, . . . }	Arthur W. Barker, . Michael F. Phelan, .	Lynn. Lynn.
13th,	{ Lynn, Wards 2, 4, . } { Nahant, . . . }	Matthew McCann, . William R. Salter, .	Lynn. Lynn.
14th,	{ Lynn, Ward 6, . . } { Saugus, . . . }	Frank P. Bennett, Jr., . Henry M. Maxwell, .	Saugus. Lynn.
15th,	Marblehead, . .	George H. Thorburn, .	Marblehead.
16th,	Salem, Wards 1, 2, .	Thomas L. Davis, .	Salem.
17th,	Salem, Wards 3, 5, .	Stephen W. Phillips, .	Salem.
18th,	Salem, Wards 4, 6, .	Lewis H. Millett, .	Salem.
19th,	{ Beverly, . . . } { Essex, . . . } { Gloucester, Ward 8, . } { Hamilton, . . . } { Manchester, . . } { Wenham, . . . }	Edwin H. Oxner, . Winthrop E. Perry, .	Essex. Beverly.
20th,	{ Gloucester, Wards 1, 3, } { 4, 5, 6, . . . }	Augustus Hubbard, . Edwin C. McIntire, .	Gloucester. Gloucester.
21st,	{ Gloucester, Wards 2, 7, } { Rockport, . . . }	Frederick H. Tarr, .	Rockport.
22d,	{ Ipswich, . . . } { Newbury, . . . } { Newburyport, Wards 1, } { 2, 3, 4, 5, . . } { Rowley, . . . }	Thomas Huse, . George A. Schofield, .	Newburyport. Ipswich.

COUNTY OF MIDDLESEX.

1st,	Cambridge, Wards 8, 9,	W. Rodman Peabody, .	Cambridge.
2d,	{ Cambridge, Wards 3, 4, } { 5, . . . }	Jeremiah F. Downey, . Edward J. Sennott, .	Cambridge. Cambridge.
3d,	Cambridge, Wards 1, 2,	James T. Barrett, .	Cambridge.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	Cambridge, Wards 6, 7, {	Edward E. Clark, . . Eben H. Googins, . .	Cambridge. Cambridge.
5th,	{ Cambridge, Wards 10, } { 11, }	Frederick S. Deitrick, .	Cambridge.
6th,	Somerville, Ward 1, .	Samuel Newton Cutler, .	Somerville.
7th,	{ Somerville, Wards 2, 3, } { 6, 7, }	Robert Luce, . . . Elmer A. Stevens, . . Arthur P. Vinal, . .	Somerville. Somerville. Somerville.
8th,	Somerville, Wards 4, 5, .	William H. Cushman, .	Somerville.
9th,	Medford, W'ds 1, 2, 4, 5,	Frank L. White, . .	Medford.
10th,	Everett, {	Wilmot R. Evans, Jr., . William E. Weeks, . .	Everett. Everett.
11th,	Malden, {	Charles L. Davenport, . Charles Schumaker, . Everett J. Stevens, .	Malden. Malden. Malden.
12th,	{ Medford, Wards 3, 6, . } { Winchester, }	Alfred Stevens Hall, .	Winchester.
13th,	{ Arlington, } { Lexington, }	Arthur J. Wellington, .	Arlington.
14th,	{ Belmont, } { Watertown, }	Henry W. Seward, . .	Watertown.
15th,	Waltham, {	William C. Howe, . . Edward A. Walker, . .	Waltham. Waltham.
16th,	Newton, {	James A. Lowell, . . Edgar W. Warren, . .	Newton. Newton.
17th,	{ Bedford, } { Concord, } { Lincoln, } { Weston, }	Harvey Wheeler, . .	Concord.
18th,	Natick,	Edward L. McManus, .	Natick.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
19th,	{ Ashland, . . . } { Holliston, . . . } { Hopkinton, . . . } { Sherborn, . . . }	George L. Hemenway, .	Hopkinton.
20th,	Framingham, . . .	Samuel O. Staples, . .	Framingham.
21st,	{ Marlborough, . . . } { Sudbury, . . . } { Wayland, . . . }	William M. Brigham, . John J. Mitchell, . .	Marlborough. Marlborough.
22d,	{ Boxborough, . . . } { Hudson, . . . } { Maynard, . . . } { Stow, . . . }	Patrick John Sullivan,	Maynard.
23d,	{ Acton, . . . } { Ayer, . . . } { Littleton, . . . } { Shirley, . . . } { Westford, . . . }	Waldo E. Conant, . .	Littleton.
24th,	{ Ashby, . . . } { Groton, . . . } { Pepperell, . . . } { Townsend, . . . }	Charles S. Denham, .	Pepperell.
25th,	{ Chelmsford, . . . } { Dunstable, . . . } { Lowell, Wards 4, 7, 8, } { Tyngsborough, . . . }	Rolfe Bradbury, . . William H. I. Hayes, . Horton H. Hilton, . .	Lowell. Lowell. Lowell.
26th,	Lowell, W'ds 1, 2, 3, 6, {	Cecil L. Adams, . . Joseph H. Hibbard, . Harry L. Timmons, .	Lowell. Lowell. Lowell.
27th,	{ Billerica, . . . } { Burlington, . . . } { Carlisle, . . . } { Dracut, . . . } { Lowell, Wards 5, 9, . } { North Reading, . . . } { Tewksbury, . . . } { Wilmington, . . . }	George H. Stevens, . William E. Westall, .	Dracut. Lowell.

COUNTY OF MIDDLESEX—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
28th,	{ Reading, . . . } { Woburn, . . . }	Charles H. Nowell, . . Herbert S. Riley, . .	Reading. Woburn.
29th,	Wakefield, . . .	George M. Poland, . .	Wakefield.
30th,	Stoneham, . . .	James A. Jones, . .	Stoneham.
31st,	Melrose, . . .	John G. Robinson, . .	Melrose.

COUNTY OF WORCESTER.

1st,	{ Athol, . . . } { Phillipston, . . . } { Royalston, . . . }	Fred W. Lord, . .	Athol.
2d,	{ Ashburnham, . . . } { Gardner, . . . } { Templeton, . . . } { Winchendon, . . . }	Alec E. Knowlton, . . C. Aylmer Smith, . .	Gardner. Templeton.
3d,	{ Barre, . . . } { Dana, . . . } { Hardwick, . . . } { Hubbardston, . . . } { Petersham, . . . } { Westminster, . . . }	Allen S. Woodward, .	Hubbardston.
4th,	{ Holden, . . . } { New Braintree, . . . } { North Brookfield, . . . } { Oakham, . . . } { Princeton, . . . } { Rutland, . . . }	Herbert L. Pollard, . .	New Braintree.
5th,	{ Brookfield, . . . } { Sturbridge, . . . } { Warren, . . . } { West Brookfield, . . . }	William E. Patrick, .	Warren.
6th,	{ Leicester, . . . } { Paxton, . . . } { Spencer, . . . }	William H. Potter, . .	Spencer.

COUNTY OF WORCESTER—CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
7th,	{ Charlton, . . . } { Dudley, . . . } { Oxford, . . . } { Southbridge, . . . } { Webster, . . . }	Maurice P. Clare, . . . A. Frederick Putnam, . . .	Webster. Charlton.
8th,	{ Anburn, . . . } { Douglas, . . . } { Millbury, . . . } { Sutton, . . . }	Ira N. Goddard, . . .	Millbury.
9th,	{ Blackstone, . . . } { Grafton, . . . } { Northbridge, . . . } { Shrewsbury, . . . } { Uxbridge, . . . }	John Gunn, . . . George W. Maxon, . . .	Northbridge. Blackstone.
10th,	{ Hopedale, . . . } { Mendon, . . . } { Milford, . . . } { Upton, . . . } { Westborough, . . . }	George F. Birch, . . . Francis T. Nelson, . . .	Milford. Upton.
11th,	{ Berlin, . . . } { Boylston, . . . } { Clinton, . . . } { Northborough, . . . } { Southborough, . . . } { Sterling, . . . } { West Boylston, . . . }	Frank H. Crossman, . . . Charles Mayberry, . . .	Berlin. Clinton.
12th,	{ Bolton, . . . } { Fitchburg, Ward 6, . . . } { Harvard, . . . } { Lancaster, . . . } { Lunenburg, . . . }	James Barr, . . .	Fitchburg.
13th,	{ Fitchburg, Wards 1, 2, } { 3, 4, 5, . . . }	Michael F. O'Connell, . . . Charles B. Smith, . . .	Fitchburg. Fitchburg.
14th,	Leominster, . . .	Hamilton Mayo, . . .	Leominster.
15th,	Worcester, Ward 1, . . .	Warren C. Jewett, . . .	Worcester.
16th,	Worcester, Ward 2, . . .	Alonzo F. Hoyle, . . .	Worcester.

COUNTY OF WORCESTER—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
17th,	Worcester, Ward 3, .	Edward H. O'Brien, .	Worcester.
18th,	Worcester, Ward 4, .	Mark N. Skerrett, . .	Worcester.
19th,	Worcester, Ward 5, .	Hugh H. O'Rourke, .	Worcester.
20th,	Worcester, Ward 6, .	Gilbert J. Rugg, . .	Worcester.
21st,	Worcester, Ward 7, .	Arthur M. Taft, . .	Worcester.
22d,	Worcester, Ward 8, .	Elmer C. Potter, . .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Goshen, . . . Hadley, . . . Hatfield, . . . Northampton, . . . Westhampton, . . . Williamsburg, . . . }	William A. Bailey, . . Chauncey E. Parsons, .	Northampton. Northampton.
2d,	{ Chesterfield, . . . Cummington, . . . Easthampton, . . . Huntington, . . . Middlefield, . . . Plainfield, . . . Southampton, . . . Worthington, . . . }	Winslow H. Edwards, .	Easthampton.
3d,	{ Amherst, . . . Granby, . . . Pelham, . . . South Hadley, . . . }	James R. Anderson, .	Pelham.
4th,	{ Belchertown, . . . Enfield, . . . Greenwich, . . . Prescott, . . . Ware, . . . }	Josiah W. Flint, . .	Enfield.

COUNTY OF HAMPDEN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Brimfield, . . . } { Holland, . . . } { Monson, . . . } { Palmer, . . . } { Wales, . . . }	Arthur D. Norcross,	Monson.
2d,	{ Agawam, . . . } { East Longmeadow, . } { Granville, . . . } { Hampden, . . . } { Longmeadow, . . . } { Ludlow, . . . } { Southwick, . . . } { Tolland, . . . } { Wilbraham, . . . }	Henry E. Bodurtha,	Agawam.
3d,	{ Springfield, Wards 1, } { 2, 8, . . . }	Edgar V. Tanner, . Frederick G. Wooden, .	Springfield. Springfield.
4th,	{ Springfield, Wards 3, } { 4, 5, . . . }	Theodore F. Dwight, . Luke S. Stowe, .	Springfield. Springfield.
5th,	Springfield, Wards 6, 7,	Fred A. Bearse, .	Springfield.
6th,	{ Chicopee, Wards 1, 2, } { 3, 4, 5, 6, . . . }	Michael B. Houlihan,	Chicopee.
7th,	{ Chicopee, Ward 7, . } { Holyoke, Wards 1, 2, } { 3, 4, 5, . . . }	Edward J. Kenney, . John F. Sheehan, .	Holyoke. Holyoke.
8th,	Holyoke, Wards 6, 7, .	Charles A. Andrews,	Holyoke.
9th,	{ Blandford, . . . } { Chester, . . . } { Montgomery, . . . } { Russell, . . . } { West Springfield, . } { Westfield, . . . }	Stephen H. Bodurtha, . Nelson Sherburne, .	Blandford. W. Springfield.

COUNTY OF FRANKLIN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Ashfield, . . . } { Buckland, . . . } { Charlemont, . . . } { Colrain, . . . } { Conway, . . . } { Hawley, . . . } { Heath, . . . } { Monroe, . . . } { Rowe, . . . } { Shelburne, . . . }	Charles E. Ward, . . .	Buckland.
2d,	{ Bernardston, . . . } { Gill, . . . } { Greenfield, . . . } { Leyden, . . . }	John W. Chapin, . . .	Bernardston.
3d,	{ Deerfield, . . . } { Leverett, . . . } { Montague, . . . } { Sunderland, . . . } { Wendell, . . . } { Whately, . . . }	Lyman A. Crafts, . . .	Whately.
4th,	{ Erving, . . . } { New Salem, . . . } { Northfield, . . . } { Orange, . . . } { Shutesbury, . . . } { Warwick, . . . }	Henry S. Ames, . . .	Orange.

COUNTY OF BERKSHIRE.

1st,	{ Clarksburg, . . . } { North Adams, . . . }	James Walter Chrystal, . . William H. Woodhead, . .	North Adams. North Adams.
2d,	{ Dalton, . . . } { Hancock, . . . } { Lanesborough, . . . } { New Ashford, . . . } { Williamstown, . . . }	Edward H. Brewer, . . .	Dalton.

COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	$\left\{ \begin{array}{l} \text{Adams,} \\ \text{Cheshire,} \\ \text{Florida,} \\ \text{Savoy,} \\ \text{Windsor,} \end{array} \right.$	Robert D. Cadagon,	Adams.
4th,	$\left\{ \begin{array}{l} \text{Pittsfield,} \end{array} \right.$	$\left\{ \begin{array}{l} \text{Michael L. Eisner,} \\ \text{Chester E. Gleason,} \end{array} \right.$	$\left\{ \begin{array}{l} \text{Pittsfield.} \\ \text{Pittsfield.} \end{array} \right.$
5th,	$\left\{ \begin{array}{l} \text{Becket,} \\ \text{Hinsdale,} \\ \text{Lenox,} \\ \text{Pern,} \\ \text{Richmond,} \\ \text{Washington,} \\ \text{West Stockbridge,} \end{array} \right.$	Richard Bossidy,	W. Stockbridge.
6th,	$\left\{ \begin{array}{l} \text{Lee,} \\ \text{New Marlborough,} \\ \text{Otis,} \\ \text{Sandisfield,} \\ \text{Stockbridge,} \\ \text{Tyringham,} \end{array} \right.$	Edward H. Slater,	Tyringham.
7th,	$\left\{ \begin{array}{l} \text{Alford,} \\ \text{Egremont,} \\ \text{Great Barrington,} \\ \text{Monterey,} \\ \text{Mount Washington,} \\ \text{Sheffield,} \end{array} \right.$	Noble B. Turner,	Gt. Barrington.

COUNTY OF NORFOLK.

1st,	$\left\{ \begin{array}{l} \text{Dedham,} \\ \text{Norwood,} \\ \text{Westwood,} \end{array} \right.$	Joseph H. Soliday,	Dedham.
2d,	Brookline,	Joseph Walker,	Brookline.
3d,	Hyde Park,	Alonzo W. Dunbar,	Hyde Park.
4th,	$\left\{ \begin{array}{l} \text{Canton,} \\ \text{Milton,} \end{array} \right.$	Charles S. Pierce,	Milton.

COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	Quincy, . . . }	Richard R. Freeman, . Harry S. Nicoll, .	Quincy. Quincy.
6th,	{ Braintree, . . . Weymouth, . . . }	George L. Barnes, . Aubrey Hilliard, .	Weymouth. Braintree.
7th,	{ Avon, . . . Holbrook, . . . Randolph, . . . }	Frederick W. Whitcomb, .	Holbrook.
8th,	{ Sharon, . . . Stoughton, . . . Walpole, . . . }	William O. Faxon, .	Stoughton.
9th,	{ Dover, . . . Medfield, . . . Millis, . . . Needham, . . . Wellesley, . . . }	Noah A. Plympton, .	Wellesley.
10th,	{ Bellingham, . . . Foxborough, . . . Franklin, . . . Medway, . . . Norfolk, . . . Wrentham, . . . }	Orion T. Mason, . Orlando McKenzie, .	Medway. Norfolk.

COUNTY OF PLYMOUTH.

1st,	{ Kingston, . . . Plymouth, . . . }	Charles S. Davis, .	Plymouth.
2d,	{ Duxbury, . . . Marshfield, . . . Norwell, . . . Pembroke, . . . Scituate, . . . }	Joseph Sherman, .	Marshfield.
3d,	{ Cohasset, . . . Hingham, . . . Hull, . . . }	Reginald L. Robbins, .	Hingham.
4th,	{ Hanover, . . . Hanson, . . . Rockland, . . . }	Amos A. Phelps, .	Rockland.

COUNTY OF PLYMOUTH — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Abington, . . . } { Whitman, . . . }	Frank G. Wheatley, .	Abington.
6th,	{ Carver, . . . } { Lakeville, . . . } { Marion, . . . } { Mattapoisett, . . . } { Rochester, . . . } { Wareham, . . . }	Lester W. Jenney, .	Mattapoisett.
7th,	{ Halifax, . . . } { Middleborough, . . . } { Plympton, . . . }	George R. Sampson, .	Middleborough.
8th,	{ Bridgewater, . . . } { East Bridgewater, . . . } { West Bridgewater, . . . }	Ezra Scott Whitmarsh, .	E. Bridgewater.
9th,	Brockton, Wards 3, 4, .	Frank E. Packard, .	Brockton.
10th,	Brockton, W'ds 1, 2, 5, {	James Sidney Allen, . Portus B. Hancock, .	Brockton. Brockton.
11th,	Brockton, Wards 6, 7, .	Ezra W. Clark, .	Brockton.

COUNTY OF BRISTOL.

1st,	{ Attleborough, . . . } { North Attleborough, . . . } { Norton, . . . } { Rehoboth, . . . } { Seekonk, . . . }	Henry W. Brown, . Thomas W. Williams, .	Seekonk. Attleborough.
2d,	{ Easton, . . . } { Mansfield, . . . } { Raynham, . . . }	William H. Ames, .	Easton.
3d,	Taunton, Wards 5, 7, 8,	Simon Swig, .	Taunton.
4th,	Taunton, Wards 2, 3, 4,	Albert G. Godfrey, .	Taunton.
5th,	{ Berkley, . . . } { Dighton, . . . } { Taunton, Wards 1, 6, . }	Edward C. Paull, .	Taunton.

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Acushnet, . . . } { Dartmouth, . . . } { Fairhaven, . . . } { Freetown, . . . }	Walter C. Slocum, . . .	Dartmouth.
7th,	{ New Bedford, Wards 1, } { 2, 3, . . . }	John B. Lowney, . . . Samuel Ross, . . .	New Bedford. New Bedford.
8th,	{ New Bedford, Wards 4, } { 5, 6, . . . }	George O. Baker, . . . Nathaniel P. Sowle, . . .	New Bedford. New Bedford.
9th,	{ Fall River, Wards 1, 2, } { Westport, . . . }	William H. Cook, . . . Thomas Dowd, . . .	Fall River. Fall River.
10th,	Fall River, W'ds 3, 4, 5. {	Francis J. Fennelly, . . . Joseph A. Parks, . . .	Fall River. Fall River.
11th,	{ Fall River, Wards 6, 7, } { 8, 9, . . . } { Somerset, . . . } { Swansea, . . . }	David P. Keefe, . . . Pierre F. Peloquin, . . . Isaac E. Willetts, . . .	Fall River. Fall River. Fall River.

COUNTY OF BARNSTABLE.

1st,	{ Barnstable, . . . } { Bourne, . . . } { Falmouth, . . . } { Mashpee, . . . } { Sandwich, . . . }	John A. Holway, . . .	Sandwich.
2d,	{ Chatham, . . . } { Dennis, . . . } { Harwich, . . . } { Yarmouth, . . . }	Jonathan P. Edwards, . . .	Dennis.
3d,	{ Brewster, . . . } { Eastham, . . . } { Orleans, . . . } { Provincetown, . . . } { Truro, . . . } { Wellfleet, . . . }	E. Olin Snow, . . .	Provincetown.

COUNTY OF DUKES COUNTY.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ <div> Chilmark, . . . Cottage City, . . . Edgartown, . . . Gay Head, . . . Gosnold, . . . Tisbury, . . . West Tisbury, . . . </div> }	John E. White, . . .	Edgartown.

COUNTY OF NANTUCKET.

1st,	Nantucket, . . .	William C. Dunham, . . .	Nantucket.
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DANIEL W. WALDRON, *Chaplain.*

DAVID T. REMINGTON, *Sergeant-at-Arms.*

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

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ASSOCIATE JUSTICES.

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JOHN LATHROP, of *Boston*.

JAMES MADISON BARKER, of *Pittsfield*.

JOHN WILKES HAMMOND, of *Cambridge*.

WILLIAM CALEB LORING, of *Boston*.

HENRY K. BRALEY, of *Fall River*.

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CHIEF JUSTICE.

JOHN ADAMS AIKEN, of *Greenfield*.

ASSOCIATE JUSTICES.

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WILLIAM B. STEVENS, of *Stonham*.

CHARLES U. BELL, of *Andover*.

FREDERICK LAWTON, of *Lowell*.

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ROBERT O. HARRIS, of *East Bridgewater*.

LEMUEL LEBARON HOLMES,	<i>of New Bedford.</i>
WILLIAM C. WAIT,	<i>of Medford.</i>
WILLIAM SCHOFIELD,	<i>of Malden.</i>
LLOYD E. WHITE,	<i>of Taunton.</i>
LORANUS E. HITCHCOCK,	<i>of Chicopee.</i>
JOHN C. CROSBY,	<i>of Pittsfield.</i>

LAND COURT.
JUDGE.

LEONARD A. JONES,	<i>of Boston.</i>
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ASSOCIATE JUDGE.

CHARLES T. DAVIS,	<i>of Beverly.</i>
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RECORDER.

CLARENCE C. SMITH,	<i>of Everett.</i>
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ROBERT GRANT, Boston,	SUFFOLK.
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SAMUEL B. SPOONER, Springfield,	HAMPDEN.
FRANCIS N. THOMPSON, Greenfield,	FRANKLIN.
ARTHUR M. ROBINSON, North Adams,	BERKSHIRE.
JOHN D. COBB, Dedham,	NORFOLK.
JOHN C. SULLIVAN, Middleborough,	PLYMOUTH.
ARTHUR M. ALGER, Taunton,	BRISTOL.
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JAMES M. SWIFT, Fall River,	SOUTHERN.
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JOHN R. FAIRBAIRN, Cambridge,	MIDDLESEX.
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JOSIAH F. BARRETT, Nantucket,	NANTUCKET.

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Court for the Commonwealth.

JOHN NOBLE, Boston, Supreme Judicial Court, . . .	SUFFOLK.
FRANCIS A. CAMPBELL, Boston, Sup. Court, Civil Business, }	SUFFOLK.
JOHN P. MANNING, Boston, Sup. Court, Criminal Business, }	
EDWARD B. GEORGE, Haverhill,	ESSEX.
THEODORE C. HURD, Winchester,	MIDDLESEX.
THEODORE S. JOHNSON, Worcester,	WORCESTER.
HAYNES H. CHILSON, Northampton,	HAMPSHIRE.
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LOUIS A. COOK, Weymouth,	NORFOLK.
EDWARD E. HOBART, Plymouth,	PLYMOUTH.
SIMEON BORDEN, Fall River,	BRISTOL.
ALFRED CROCKER, Barnstable,	BARNSTABLE.
SAMUEL KENISTON, Edgartown,	DUKES.
JOSIAH F. MURPHEY, Nantucket,	NANTUCKET.

MEMBERS OF THE FIFTY-NINTH CONGRESS.

[Congressional Districts established by Chap. 511, Acts of 1901.]

SENATORS.

HENRY CABOT LODGE, *of Nahant.*
 WINTHROP MURRAY CRANE, *of Dalton.*

REPRESENTATIVES.

DISTRICT I. — GEORGE P. LAWRENCE, *of North Adams.*
 II. — FREDERICK H. GILLETT, *of Springfield.*
 III. — ROCKWOOD HOAR, *of Worcester.*
 IV. — CHARLES Q. TIRRELL, *of Natick.*
 V. — BUTLER AMES, *of Lowell.*
 VI. — AUGUSTUS P. GARDNER, *of Hamilton.*
 VII. — ERNEST W. ROBERTS, *of Chelsea.*
 VIII. — SAMUEL W. McCALL, *of Winchester.*
 IX. — JOHN A. KELIHER, *of Boston.*
 X. — WILLIAM S. McNARY, *of Boston.*
 XI. — JOHN A. SULLIVAN, *of Boston.*
 XII. — JOHN W. WEEKS, *of Newton.*
 XIII. — WILLIAM S. GREENE, *of Fall River.*
 XIV. — WILLIAM C. LOVERING, *of Taunton.*

APPENDIX

The following tables have been prepared by FISHER AMES, Esq., appointed to that duty under section 1 of chapter 9. of the Revised Laws, which directs the governor to appoint a skilled person to prepare “a table of changes in the general laws.”

TABLES

SHOWING

WHAT GENERAL LAWS OF THE COMMONWEALTH HAVE BEEN AFFECTED BY SUBSEQUENT LEGISLATION

I

CHANGES IN THE "REVISED LAWS"

Chapter 1.—Of the Jurisdiction of the Commonwealth, and Places ceded to the United States.

SECT. 5. Tracts ceded: In Nahant. St. 1902, 373. The "Graves." St. 1903, 258 § 1. In Nantucket. St. 1904, 428. Hingham and Weymouth. St. 1905, 446. Hull. St. 1905, 455.

SECT. 9 extended to geological survey. St. 1903, 150 § 1.

SECTS. 10-12. See St. 1903, 150 § 2.

Chapter 2.—Of the Arms and the Great Seal of the Commonwealth.

Use of representations, for advertising or commercial purposes, forbidden. St. 1903, 195.

Chapter 3.—Of the General Court.

As to the fiscal year and appropriations, see St. 1905, 211 § 12.

SECT. 12 amended. St. 1904, 87. (See 1904, 440.)

SECT. 17 amended. St. 1902, 544 § 1.

Chapter 4.—Of the Governor, Lieutenant Governor and Council.

SECT. 6. Salary of executive secretary fixed. St. 1904, 268. Assistant messenger. St. 1902, 523.

SECT. 8. Allowance for clerical assistance. St. 1904, 88.

Chapter 5.—Of the Secretary of the Commonwealth.

SECT. 2 revised. St. 1902, 364.

SECT. 4 *et seq.* See St. 1902, 470, 524, 544 § 8; 1903, 368 §§ 2, 4, 484 §§ 2, 3; 1904, 374 § 5, 458 § 2; 1905, 321 § 2; Res. 8 of 1904.

SECT. 6. See St. 1902, 438.

SECT. 11 amended. St. 1903, 424 § 1.

Chapter 6.—Of the Treasurer and Receiver General, the Auditor of Accounts and Matters of Finance.

An act to establish a new fiscal year for the Commonwealth. St. 1905, 211.

SECT. 1 *et seq.* See St. 1903, 251, 368 § 2; 1904, 246, 421, 426, 427 §§ 1, 3, 431; 1905, 428.

SECT. 4. Salaries changed: third clerk, St. 1903, 398 §§ 1, 2; assistant bookkeeper, St. 1905, 272.

SECT. 7. See St. 1903, 109.

SECT. 9 amended. St. 1905, 211 § 2.

SECT. 14 revised. St. 1905, 149. (See 1902, 177; 1903, 120; 1904, 440.)

SECT. 15 *et seq.* See St. 1903, 368 § 2; 1904, 431, 458 § 2.

SECT. 21 amended. St. 1905, 211 § 3.

SECT. 22 revised. St. 1905, 211 § 4.

SECT. 25 amended. St. 1905, 211 § 5.

SECT. 26 amended. St. 1905, 211 § 6.

SECT. 27 repealed. St. 1905, 211 § 13.

SECT. 28 *et seq.* See St. 1904, 458 §§ 1-6.

SECT. 31 amended. St. 1905, 211 § 7.

SECT. 35. Advances to attorney-general authorized to extent of five hundred dollars. St. 1905, 369 § 1. (See 1905, 400.)

SECT. 37 amended. St. 1905, 211 § 8.

SECT. 38 amended. St. 1905, 211 § 9.

SECT. 40 amended. St. 1905, 211 § 10.

SECT. 46 amended. St. 1903, 283 § 1. (See 1905, Res. 2.)

SECT. 48 amended. St. 1903, 283 § 2.

SECT. 59. Certain checks excepted. St. 1902, 55.

SECTS. 65, 79. See St. 1903, 471; 1904, 458.

SECT. 69. See St. 1903, 109.

SECT. 72 *et seq.* Treasurer may issue bonds or scrip on serial plan, instead of a sinking fund. St. 1903, 226; 1905, 169. Issue of bonds or notes regulated. St. 1904, 263.

SECT. 77. Extended to contracts for counties, cities and towns. St. 1904, 349.

Chapter 7.—Of the Attorney-General and the District Attorneys.

SECT. 1 *et seq.* See St. 1903, 251; 1904, 344 § 1, 375 §§ 3-6, 421 § 1.

SECT. 9. Office of chief clerk established. St. 1903, 357 §§ 1, 2.

SECTS. 11, 13. Districts classified and salaries established. St. 1905, 157 §§ 1, 2, 3, 5, 6. (See 1902, 471, 530; 1903, 395.)
Travelling expenses allowed. St. 1905, 157 § 4.

Chapter 8.—Of the Statutes.

SECT. 5, cl. 9. See St. 1902, 109; 1905, 328.

Chapter 9.—Of the Printing and Distribution of the Laws.

A board of publication is established. St. 1902, 438.

SECT. 5 repealed. St. 1905, 211 § 13. (See 1903, 291.)

SECT. 6 repealed. St. 1902, 438 § 7.

SECT. 7 repealed in part. St. 1902, 228 § 8, 438 § 7. Reports of board of health. St. 1902, 230; 1905, 275. Limitation as to statistics in reports. St. 1904, 388 § 2.

Amended. St. 1902, 269; 1903, 291, 390; 1904, 388 § 1, 410; 1905, 138.

Certain printed town records added. St. 1902, 470 § 2.

Provision for distribution of certain state documents to law libraries. St. 1904, 209.

SECT. 9. See Res. 1905, 2.

Chapter 10.—Of the State House, the Sergeant-at-Arms and the State Library.

SECT. 6 amended. St. 1905, 218 § 1.

SECT. 10 amended. Compensations fixed. St. 1903, 455 § 1; 1905, 218 § 2.

SECT. 11. Sergeant may employ a cashier who shall be a stenographer. St. 1903, 323 § 1. Postmaster's salary changed. St. 1903, 323 § 1.

SECT. 29 revised. St. 1905, 154.

Chapter 11.—Of Elections.

Name of "democratic social" party changed to "socialist" party. St. 1902, 56.

SECT. 1. Municipal political parties in Cambridge. St. 1902, 529.

SECT. 5 revised. St. 1904, 334 § 1. (See 1902, 384.)

SECTS. 15-23. Lists in Boston to be made by police department. St. 1903, 279; 1904, 245; 1905, 318. (See 1903, 474 §§ 1, 13.)

SECT. 15 limited and in part repealed. St. 1903, 279 §§ 16, 18, 20.

SECT. 16 amended. St. 1903, 279 § 17.

SECT. 17 limited. St. 1903, 279 § 16; 1904, 294 § 1.

SECT. 18 limited. St. 1904, 294 § 2.

SECT. 19 amended. St. 1903, 430 § 1; 1904, 294 § 3.

SECT. 20 amended. St. 1902, 90. Limited. St. 1903, 279 § 16.

SECT. 46 revised. St. 1903, 474 § 1. (See 1903, 279 § 19.)

SECT. 47 amended. St. 1903, 474 § 2.

SECTS. 51-53 amended. St. 1903, 474 §§ 3-5. (See 1903, 279 § 7.)

SECT. 54 limited. St. 1903, 279 § 19.

SECT. 60. Provision as to Suffolk senatorial districts. St. 1902, 348, 512, 537; 1903, 425. (See 1903, 426.)

SECT. 73 amended. St. 1905, 386 § 1.

SECT. 84 amended. Provision for announcement of number of the committee. St. 1902, 225, 492.

SECTS. 85-135. Provisions for caucuses or primaries. St. 1902, 537; 1903, 454; 1904, 41, 179; 1905, 386, 397. (See 1903, 426, 450; 1904, 377.)

SECTS. 87-90. Notices of intention to participate. St. 1905, 386 § 11.

SECT. 90 amended. St. 1903, 474 § 6.

SECT. 93. See St. 1903, 453 § 2.

SECT. 96 amended. St. 1902, 506. (See 1904, 179 § 2.)

SECTS. 97, 98, 108. Provision for direct nominations in certain districts. St. 1903, 450 § 1.

SECTS. 99-131. See St. 1904, 179; 1905, 397.

SECTS. 102, 106. See St. 1905, 386 § 11.

SECTS. 107-116. See St. 1903, 454 § 5.

SECT. 108 amended. St. 1903, 474 § 7; 1905, 386 § 2. (See 1902, 537 § 3; 1905, 386 § 10.)

SECT. 109 amended. St. 1904, 275.

SECTS. 112, 113, 114. See St. 1905, 386 § 10.

SECT. 117. See St. 1904, 404.

SECTS. 117-120. See St. 1903, 454 § 6.

SECT. 119 amended. St. 1904, 201.

SECT. 124. See St. 1902, 537 § 2; 1903, 453 § 1.

SECT. 127 *et seq.* See St. 1904, 179 § 2; 1905, 386 § 13.

SECTS. 136-149. Provision for direct nomination in cities of candidates for certain offices. St. 1902, 537; 1903, 425 § 1. (See 1903, 426, 450.)

SECT. 137 amended. St. 1903, 474 § 8.

SECT. 149 revised. St. 1905, 386 § 3.

SECT. 150 affected. St. 1905, 386 § 12.

SECT. 151 revised. St. 1905, 386 § 4.

SECT. 152 revised. St. 1905, 386 § 5. (See 1903, 454 § 14; 1905, 386 § 10.)

SECT. 171 revised. St. 1905, 386 § 6. (See 1902, 157; 1903, 454 § 9.)

SECT. 172 amended. St. 1903, 454 § 9.

SECT. 173 amended. St. 1903, 454 § 9; 1905, 386 § 7.

SECT. 175 amended. St. 1903, 454 § 9; 1905, 386 § 8.

SECT. 213 amended in third paragraph. Polls may be opened at fifteen minutes before six. St. 1905, 111.

SECT. 231 amended. St. 1903, 474 § 9.

SECT. 233 amended. St. 1903, 474 § 10.

SECT. 235. See St. 1903, 454 § 11.

SECT. 241 amended. St. 1903, 474 § 11.

SECT. 267 amended. St. 1903, 474 § 12; 1904, 293 § 1.

SECTS. 270-273. As to voting machines see St. 1903, 368; 1905, 313.

SECT. 272 repealed. St. 1903, 368 § 3; 1905, 313 § 1.

- SECT. 273 revised. St. 1905, 313 § 2. (See 1903, 368.)
SECT. 279 amended. St. 1902, 544 § 2.
SECT. 285 amended. St. 1904, 380 § 1.
SECT. 287 amended. St. 1904, 380 § 2.
SECT. 288 revised. St. 1904, 380 § 3.
SECTS. 297, 298, 299 revised. St. 1904, 375 §§ 1-3.
SECT. 300 repealed. St. 1904, 375 § 4.
SECT. 301 amended. St. 1904, 375 § 5.
SECT. 305 revised. St. 1904, 375 § 6.
SECT. 324 amended. St. 1905, 386 § 9.
SECT. 331. Town may provide that moderator be elected for one year.
St. 1902, 346 § 1. He shall be sworn in. St. 1902, 346 § 2. Provision
in case of his absence. St. 1902, 346 § 3.
SECT. 385 revised. St. 1904, 310 § 1.
SECT. 388 amended. St. 1903, 279 § 14.
SECT. 389 amended. St. 1903, 279 § 15. (See 1903, 279 § 4.)
SECT. 390 revised. St. 1904, 310 § 2.
SECT. 420 revised. St. 1904, 375 § 7.
SECT. 421. Disposal of cases restricted. St. 1903, 318 § 1.
SECT. 422. Districts for election of representative to fill a vacancy.
St. 1902, 518. Nominations in 9th, 10th and 11th districts to be made in
caucuses by direct plurality vote. St. 1903, 450 § 1. (See 1903, 454.)

Chapter 12.—Of the Assessment of Taxes.

- SECT. 4. Fourth cl. in part repealed. St. 1902, 374 § 4. Act to im-
pose an excise tax on business of selling, giving or delivering trading
stamps or similar devices. St. 1904, 403. (See 1903, 386.) Taxation
of corporations. St. 1903, 437 §§ 71-81; 1904, 261, 442.
SECTS. 7, 8 and 9 repealed, and new provisions made for taxing vessels
engaged in foreign trade. St. 1902, 374.
SECTS. 10, 11. See St. 1903, 161.
SECT. 12 amended. St. 1903, 161 § 1.
SECT. 15 amended. St. 1902, 113.
SECT. 17 amended. St. 1902, 112.
SECT. 23. Provision as to underground wires, etc., added. St. 1902,
342 § 1.
SECT. 41 revised. St. 1903, 157 § 1.
SECT. 49 repealed. St. 1902, 111.
SECT. 73 *et seq.* See St. 1904, 442.
SECTS. 78, 79. See St. 1903, 161 § 1.
SECT. 84 amended. St. 1902, 91.
SECT. 93 amended. St. 1904, 181. (See 1903, 437 § 74; 1904, 261
§ 1, 442 § 1.)

Chapter 13.—Of the Collection of Taxes.

- SECT. 20 *et seq.* A foreign corporation or non-resident failing to pay the
tax may be enjoined in equity from doing business here until tax is paid.
St. 1902, 349.

SECT. 43 amended. St. 1902, 423; 1905, 193.

SECT. 58 amended. St. 1905, 325 § 1.

SECTS. 60, 61 superseded. St. 1902, 443.

SECT. 61 amended. St. 1905, 325 § 2.

SECT. 75 amended. St. 1905, 325 § 3.

Chapter 14. — Of the Taxation of Corporations.

The law as to taxation of business corporations is revised. St. 1903, 437 §§ 71-87; 1904, 261. An act relative to the assessment of taxes upon corporations and to the abatement thereof. St. 1904, 442.

SECT. 2 amended. Allowance for expenses increased. St. 1904, 99.

SECT. 3 *et seq.* See St. 1904, 374 § 5, 435.

SECT. 5. See St. 1904, 385.

SECT. 24 amended. Returns to include new policies. St. 1903, 307 § 1.

SECTS. 37-40, 42, 54-63, 66-68, in part repealed. St. 1903, 437 § 95. (See 1903, 342 §§ 2-5, 437; 1904, 261, 442.)

SECTS. 49, 50, 51, 52, 69 repealed. St. 1903, 437 § 95. (See 1904, 261 § 1.)

Chapter 15. — Of the Taxation of Collateral Legacies and Successions.

SECT. 1 amended. St. 1905, 470 § 1. (See 1905, 470 § 2.)

SECTS. 2-4. Provision for cases where there is an intervening estate for life or a term of years. St. 1902, 473; 1903, 276. Treasurer may settle certain cases. St. 1903, 251; 1904, 421.

SECT. 16 amended. St. 1905, 367.

SECT. 17. Jurisdiction of probate courts extended. St. 1903, 248.

Chapter 16. — Of the Militia.

This chapter is revised. St. 1905, 465. (See 1902, 158, 336, 493; 1903, 151, 247, 377, 457, 481; 1904, 226, 231, 361, 371, 439; 1905, 202, 298, 391, 468.)

The governor is authorized to organize the militia in conformity with ch. 196, Vol. 32, U. S. Stats. at Large. St. 1903, 481.

Allowance for military instruction. St. 1905, 202.

Chapter 18. — General Provisions relative to State Officers.

SECT. 13 revised. St. 1903, 229 § 1.

SECT. 14 repealed. St. 1903, 229 § 2.

No public officer or body, or member thereof, shall interfere with employment in public service corporations. St. 1903, 320.

SECT. 16 amended. St. 1904, 295.

Chapter 19. — Of the Civil Service.

Removals and suspensions regulated. St. 1904, 314; 1905, 243. (See 1900, 69 § 3; 1903, 102; 1904, 143, 288.)

No public officer or body, or member thereof, shall interfere with employment in public service corporations. St. 1903, 320. (See 1904, 343 § 1.)

A board of publication is established. St. 1902, 438.

SECT. 5 amended. Certain records may be destroyed after six years. St. 1902, 308.

SECT. 6 *et seq.* See act relative to civil service rules and regulations. St. 1904, 198. (See also 1904, 194.)

SECTS. 21, 22 limited. St. 1902, 413; 1904, 430.

SECT. 23 extended. St. 1904, 314. Amended. St. 1905, 150.

SECT. 36 amended. St. 1902, 544 § 3.

SECT. 37. See St. 1903, 102; 1904, 143, 288.

Chapter 20.—Of Counties and County Commissioners.

County commissioners authorized to kill sheep-worrying dogs in certain cases. St. 1902, 226; 1904, 127. Provision for bounty for killing a wild-cat or Canada lynx. St. 1903, 344 § 1. Damages caused by wild deer. St. 1903, 407.

SECT. 1. Muskeget and Gravelly islands annexed to Nantucket. St. 1887, 88.

SECT. 14. Salaries classified and established. St. 1904, 451 § 1; 1905, 179. (See 1902, 411, 544 § 4.)

SECT. 24. See St. 1902, 226; 1903, 243, 344.

SECT. 27. Provision to secure persons furnishing materials or labor on public works. St. 1904, 349.

SECT. 30. See St. 1904, 317.

Chapter 21.—Of County Treasurers, the Controller of County Accounts and County Finances.

SECT. 1. See St. 1904, 451 § 4.

SECT. 2 amended. Salaries classified and established. St. 1904, 451 §§ 1, 5; 1905, 179.

SECT. 3. Clerical assistance: Essex. St. 1905, 322 § 1. Hampden. St. 1905, 163. Middlesex. St. 1905, 322 § 2. Norfolk. St. 1905, 332 § 1.

SECT. 20. See St. 1904, 277 § 2.

SECT. 39. Non-interest-bearing notes may be issued and sold at a discount. St. 1904, 153.

Chapter 22.—Of Registers of Deeds.

SECT. 7 amended. St. 1902, 544 § 5.

SECT. 31 amended. Powers of commissioners increased. St. 1902, 422.

SECT. 32 amended. Salaries classified and established. St. 1904, 452 §§ 1, 3.

Provision for future readjustments of salaries. St. 1904, 452 § 2.

Chapter 23.—Of Sheriffs.

SECT. 18. Salaries changed: Franklin. St. 1902, 359. Plymouth. St. 1902, 436.

Chapter 24.—Of Medical Examiners.

SECT. 11 amended. St. 1904, 119.

Chapter 25.—Of Towns and Town Officers.

Town may provide for choice of a moderator for one year. St. 1902, 346 § 1. He shall be sworn in. St. 1902, 346 § 2. Provision in case of his absence. St. 1902, 346 § 3. Town may appropriate money for observance of "home week." St. 1902, 109. And, not exceeding \$500, for band concerts. St. 1904, 152. For propagation and cultivation of shell-fish. St. 1904, 282 § 1. For removal of snow and ice from sidewalks in certain cases and assess cost on abutting estates. St. 1902, 205. For monuments to soldiers and sailors of the revolution. St. 1903, 116. Towns may regulate and license junk collectors. St. 1902, 187. May contribute toward expense of state highways. St. 1904, 125. May regulate speed of automobiles and motor cycles, and use thereof in certain ways. St. 1903, 473 § 14; 1905, 366 § 1. (See 1905, 311.) May establish hours of labor of fire department. St. 1904, 315. May provide for care of neglected burial grounds. St. 1902, 389. Selectmen may authorize street railway companies to take land for certain purposes. St. 1903, 476 § 1. Towns having no electric light may contract therefor with street railway companies. St. 1902, 499. Provision for suppressing elm leaf beetles and gypsy and brown-tail moths. St. 1902, 57; 1905, 381. Bounty to be paid for killing a wild-cat, Canada lynx or loup-cervier. St. 1903, 344 § 1. As to damages caused by wild deer, see St. 1903, 407.

Acts relative to taking land in certain cases by right of eminent domain. St. 1904, 443; 1905, 390.

Act to authorize cities and towns to establish municipal building insurance funds. St. 1905, 191.

SECT. 14 amended. St. 1902, 544 § 6.

SECT. 15. Par. 4, see St. 1903, 400. Par. 15, see St. 1903, 483.

SECT. 16. See St. 1902, 57; 1905, 381.

SECT. 23. Par. 4, see St. 1902, 205. Par. 5, see St. 1904, 125. Par. 7, see St. 1903, 383 § 3.

SECT. 24. See St. 1903, 475 § 14; 1905, 366 § 1.

SECT. 26 revised. By-laws to be approved by attorney-general and published three times. St. 1904, 344 § 1. (See 1904, 344 § 2; 1905, 144.)

SECT. 31 *et seq.* Towns and cities may authorize laying of pipes and conduits for conveyance of water. St. 1903, 459.

SECT. 35. Extended to purchase of water. St. 1902, 361.

SECT. 37. See St. 1905, 266.

SECT. 45 *et seq.* See St. 1904, 317, 443.

SECT. 49. See St. 1905, 266.

SECT. 54. See St. 1902, 449.

SECT. 57. Provision for protection of persons furnishing labor or materials on public works. St. 1904, 349.

SECT. 59 *et seq.* See St. 1904, 364; 1905, 417.

SECT. 72 *et seq.* See St. 1904, 458 § 3.

SECT. 74 amended. St. 1904, 277 § 1. Police officer or treasurer may prosecute for fines, etc. St. 1904, 277 § 2.

SECT. 79. Certain trust accounts to be audited. St. 1904, 322.

SECT. 83. See St. 1902, 57.

SECT. 94. Policemen and firemen may be pensioned. St. 1904, 327.

Chapter 26. — Of Cities.

An act to authorize cities and towns to establish municipal building insurance funds. St. 1905, 191. Provision for suppressing elm leaf beetles and gypsy and brown-tail moths. St. 1902, 57; 1905, 381.

City may appropriate money for observance of "home week." St. 1902, 109. And for memorials of persons who served in Spanish-American war. St. 1902, 286. And in the war of the revolution. St. 1903, 116. For care of neglected burial grounds. St. 1902, 389. For propagation and cultivation of shellfish. St. 1904, 282 § 1. May contribute toward expense of state highways. St. 1904, 125. May regulate and license junk collectors. St. 1902, 187. May regulate speed of automobiles and motor cycles, and use thereof in certain ways. St. 1903, 473 § 14; 1905, 366 § 1. (See 1905, 311.) May establish hours of labor of fire department. St. 1904, 315. Aldermen may authorize street railway companies to take land for certain purposes. St. 1903, 476 § 1. Cities may authorize laying of pipes and conduits for conveyance of water. St. 1903, 459.

Acts relative to taking land in certain cases by right of eminent domain. St. 1904, 443; 1905, 390.

Temporary use of armories for certain purposes is authorized. St. 1905, 298.

SECT. 2. See St. 1904, 349.

SECT. 7. Overseers of the poor to be elected for three years in certain cities. St. 1902, 444.

SECTS. 7, 8. See act relative to term of office of municipal auditors. St. 1905, 373.

SECT. 21. Cities (except Boston) may provide annuities for widows and minor children of police officers who die from injuries received in discharge of duty. St. 1902, 437. (See 1903, 312.)

SECT. 28. See St. 1903, 457; 1904, 371.

Chapter 27. — Of Municipal Indebtedness.

Act to authorize cities and towns to establish municipal building insurance funds. St. 1905, 191.

SECT. 3. See St. 1902, 325; 1905, 191 § 2.

SECTS. 6, 10. Notes may be non-interest bearing and sold at a discount. St. 1904, 153.

SECT. 11 amended. "Parks" added. St. 1903, 375.

SECTS. 13, 14, 15. See St. 1902, 325.

SECT. 15. See St. 1905, 191 § 3.

SECT. 19. See St. 1903, 226.

Chapter 28. — Of Public Parks, Playgrounds and the Public Domain.

The taking of land in certain cases by right of eminent domain is regulated. St. 1904, 443; 1905, 390. (See 1904, 317; 1905, 266.)

Office of state forester established and duties prescribed. St. 1904, 409.

As to metropolitan park commission, see St. 1893, 407; 1894, 288; 1895, 450; 1896, 465; 1898, 473, 531; 1899, 400, 406, 419; 1900, 413, 475; 1901, 83, 146, 380; 1902, 77, 166, 172; 1903, 158, 290, 429; 1904, 170, 236, 237, 431; 1905, 456, 457.

SECT. 1 amended. St. 1902, 544 § 7.

SECTS. 2, 3. See St. 1903, 158, 331 § 1; 1905, 205.

SECT. 8. See St. 1905, 266.

SECT. 25. See St. 1902, 57, 495; 1904, 409; 1905, 381.

Chapter 29. — Of the Return and Registry of Births, Marriages and Deaths.

Provision for printing and preserving certain town records. St. 1902, 470.

SECT. 6. See St. 1905, 330 § 1.

SECT. 18 amended. St. 1903, 305 § 1.

SECT. 22 amended. St. 1902, 544 § 8.

Chapter 30. — Of Workhouses and Almshouses.

SECT. 1. See St. 1903, 400; 1905, 162. Offenders not to be confined or associate with paupers. St. 1904, 274; 1905, 348 § 1. (See 1905, 344.)

Chapter 32. — Of the State Fire Marshal, Fires, Fire Departments and Fire Districts.

Offices of state fire marshal, deputy and subordinates abolished and department transferred to district police. St. 1902, 142; 1903, 365. (See 1904, 370, 433; 1905, 247, 280, 461.)

SECT. 13. See St. 1905, 266.

SECT. 26 *et seq.* See St. 1904, 194, 315, 327.

SECT. 37. Extended to hospital ambulances. St. 1904, 161. (See 1889, 57.)

SECTS. 71, 72. Amount increased. St. 1902, 108.

SECT. 73 revised. St. 1903, 253 § 1.

Chapter 33. — Of Fences and Fence Viewers, Pounds and Field Drivers.

SECT. 26. See St. 1905, 266.

Chapter 34.—Of the Manufacture and Distribution of Gas and Electricity by Cities and Towns.

SECT. 1. Towns not having electric light may contract therefor with street railway companies. St. 1902, 449.

SECT. 10 amended. St. 1903, 255 § 1.

SECT. 11 revised. St. 1905, 410 § 1. (See 1905, 410 § 7.)

SECT. 12 revised. St. 1905, 410 § 2.

SECT. 20 revised. St. 1905, 410 § 3.

SECT. 21 revised. St. 1905, 410 § 4.

SECT. 27 revised. St. 1905, 410 § 5.

SECT. 28. See St. 1905, 266.

SECT. 29 revised. St. 1905, 410 § 6.

SECT. 32 (new) added. St. 1905, 410 § 7.

Chapter 35.—Of the Public Records.

Certain public records in Norfolk to be transferred to Essex. St. 1902, 311 § 1.

SECT. 3. See St. 1902, 470 § 1.

SECT. 5. See St. 1903, 177.

SECTS. 12, 14. As to custody of records deposited elsewhere than where they originally belonged, see St. 1902, 311 §§ 2, 3.

SECT. 17 limited. St. 1903, 177; 1905, 330 § 3.

SECT. 23 amended. St. 1903, 177 § 1.

Chapter 36 —Of Parishes and Religious Societies.

SECT. 27 amended. St. 1905, 167.

Chapter 38.—Of Libraries.

SECTS. 2-5. See St. 1904, 209.

SECT. 4. See St. 1903, 442.

SECT. 11 *et seq.* See St. 1902, 470 § 1.

Chapter 39.—Of the Board of Education.

Board may provide transportation for children in certain cases. St. 1903, 483. They may form or adjust unions of towns for employment of superintendents. St. 1903, 299. And determine their qualifications. St. 1904, 215.

SECT. 2 amended. St. 1904, 234 § 1.

SECTS. 3, 4, 9, 12, 13, 14, 15, 16 repealed. St. 1904, 234 § 3. (See 1903, 456 § 4.)

SECT. 20. See St. 1905, 211 § 1.

Chapter 40.—Of Teachers' Institutes and Associations.

SECTS. 2, 6 in part repealed. St. 1903, 456 § 4.

SECT. 4 amended. St. 1904, 383 § 1; 1905, 260 § 1.

SECT. 5 repealed. St. 1905, 260 § 2.

Chapter 41.—Of the School Funds.

As to technical education fund, see St. 1904, 174.

SECTS. 4, 5 repealed and new provisions made for distribution of income of the school fund. St. 1903, 456; 1904, 107. (See 1904, 189.)

Chapter 42.—Of the Public Schools.

Provisions for schools in Boston. St. 1889, 297; 1895, 408; 1897, 202, 442; 1898, 400; 1899, 362; 1900, 235, 237; 1901, 448, 473; 1902, 386; 1903, 170; 1904, 212, 376; 1905, 349, 392.

SECT. 3 amended as to amounts to be furnished by the Commonwealth. St. 1902, 433.

SECT. 14. See St. 1904, 172.

SECT. 20. See St. 1905, 328.

SECTS. 25-39. School committees authorized to exhibit school work in certain cases. St. 1904, 172. No member of school committee shall be eligible to position of teacher, master or superintendent of public schools of the town or district. St. 1904, 173.

SECT. 30 repealed. St. 1903, 456 § 4. (See 1904, 107.)

SECT. 39. See St. 1904, 107 § 2.

SECTS. 43-48. Board of education may form or adjust unions of towns. St. 1903, 299. And determine qualifications of superintendents. St. 1904, 215.

Chapter 44.—Of School Attendance.

SECT. 1 amended. St. 1905, 320.

SECT. 4 amended. St. 1905, 375 § 1.

SECT. 4 *et seq.* See St. 1903, 483.

Chapter 45.—Of the Nautical Training School.

SECT. 5 amended relative to annual expenditure. St. 1903, 171 § 1.

Chapter 46.—Of Truants and Truant Schools.

SECT. 1 amended. Franklin and Hampshire excepted. St. 1902, 256.

SECTS. 3, 4, 5 revised. St. 1903, 330 §§ 1, 2, 3; 1904, 220 §§ 1, 2, 3.

SECT. 8 amended. St. 1904, 220 § 4.

SECT. 9 amended. Jurisdiction transferred to board of trustees or county commissioners. St. 1903, 308 § 1.

SECT. 10 amended. St. 1903, 330 § 4.

SECT. 11. See St. 1903, 334 §§ 1-3.

SECT. 13. See St. 1904, 356.

Chapter 47.—Of State Highways.

An act relative to shade trees on state highways. St. 1905, 279.

Provision for expenses. St. 1902, 246; 1903, 280; 1904, 244.

SECTS. 1, 2. Provisions for registering and licensing automobiles, etc. St. 1903, 473; 1905, 311, 366.

SECT. 6 amended. St. 1904, 108 § 1. (See 1904, 117, 317, 443.)

SECTS. 9, 13. See St. 1905, 266.

SECT. 10. Towns and cities may contribute toward expense of construction. St. 1904, 125.

SECT. 11. See St. 1905, 279.

SECT. 16. See St. 1903, 280 § 2; 1904, 244 § 1.

SECT. 21. See St. 1905, 279.

Chapter 48.—Of the Laying Out and Discontinuance of Ways and of Damages caused by the Taking of Land for Public Uses.

An act relative to damages for the taking of property by right of eminent domain. St. 1904, 317. The taking of land in certain cases by right of eminent domain is regulated. St. 1904, 443; 1905, 390.

SECTS. 13-16. See St. 1904, 317.

SECTS. 20, 26, 27. See St. 1905, 266.

SECT. 52 amended. Towns may be required to pay. St. 1903, 243. (See 1904, 125.)

SECT. 68 *et seq.* See St. 1904, 317.

SECT. 88. Ways in Suffolk. St. 1888, 397; 1891, 323; 1892, 401, 415 § 3, 418; 1895, 494; 1896, 237; 1897, 166, 167, 319, 394; 1898, 210, 252, 298, 566; 1899, 433, 443, 450; 1900, 478; 1901, 199, 465; 1902, 521. (See 1898, 540 § 2; 1903, 331 § 2; 1905, 205 § 1.)

An act relative to Boston bridges. St. 1902, 224. (See 1904, 412.)

SECT. 97. See St. 1904, 117.

SECT. 107 *et seq.* See St. 1904, 317.

Chapter 49.—Of Sewers, Drains and Sidewalks.

As to metropolitan water and sewerage system, see St. 1889, 439; 1895, 342, 406; 1897, 80, 81, 83, 88, 502; 1901, 168; 1902, 101, 189; 1903, 161, 242; 1905, 457.

As to Boston, see St. 1891, 323; 1892, 402; 1894, 227, 256; 1895, 297, 494; 1896, 237, 359; 1897, 426; 1898, 257; 1899, 450; 1900, 126, 478; 1901, 199; 1902, 521, 526; 1903, 268.

Provision for separate systems of drainage for sewage and other waters. St. 1903, 383.

SECT. 2. See St. 1904, 317; 1905, 266.

SECT. 30. See St. 1903, 383 § 1.

Chapter 50.—Of Betterments and Other Assessments on Account of the Cost of Public Improvements.

As to assessments in Boston, see St. 1902, 521 § 1, 527; 1903, 235.

SECT. 1. See St. 1904, 443 § 23.

SECT. 3. See St. 1904, 317.

SECT. 11 revised. St. 1902, 503.

Chapter 51.—Of the Repair of Ways and Bridges.

SECT. 18. See St. 1905, 266.

Chapter 52.—Of Regulations and By-Laws relative to Ways and Bridges.

Advertising signs restricted in streets of Boston. St. 1895, 352; 1897, 413 § 6.

Speed and operation of automobiles and motor vehicles on highways regulated. St. 1903, 473 §§ 3-11; 1905, 311, 366. (See 1902, 315.)

SECT. 5. See St. 1902, 205.

SECTS. 7, 8. Hospital ambulances shall have right of way in streets. St. 1904, 161.

Chapter 53.—Of the Boundaries of Highways and Other Public Places and Encroachments thereon.

SECT. 12. See St. 1902, 57; 1904, 409; 1905, 381.

Chapter 56.—Of the Regulation of Trade and the Inspection and Sale of Food.

Baking powders to be labelled with names of ingredients. St. 1902, 540.

An act relative to wood alcohol. St. 1905, 220.

Misrepresentations as to merchandise for sale are made punishable. St. 1902, 397. (See 1903, 415.)

SECTS. 3, 4 repealed. Office of inspector general of fish abolished, and powers and duties transferred to commissioners on fisheries and game. St. 1902, 138.

SECT. 5 repealed. St. 1903, 196 § 1.

SECT. 48 amended. Penalty changed. St. 1903, 361.

Chapter 57.—Of the Inspection and Sale of Various Articles.

Baking powders to be labelled with names of ingredients. St. 1902, 540.

SECT. 11 *et seq.* Regulations for sale of concentrated feed stuffs. St. 1903, 122 §§ 1-10; 1904, 332 § 1.

SECT. 20 superseded. St. 1903, 122 § 11.

SECT. 24 revised. St. 1903, 408 §§ 1-3; 1905, 209.

SECT. 39. Inspection and weighing to be made when required by vendee at the time. St. 1902, 459.

SECT. 83. A woman may be appointed a weigher of coal. St. 1902, 159. Or a non-resident. St. 1902, 453 § 1.

SECT. 84 *et seq.* License required for dealer in coal or coke. St. 1903, 484.

SECTS. 88, 89, 91 amended. St. 1902, 453 §§ 2, 3, 4.

Chapter 58.—Of the Inspection of Gas and Gas Meters.

SECT. 1. Powers and duties of inspector transferred to board of gas and electric light commissioners. St. 1902, 228 § 1.

SECTS. 1, 2, 3, 4, 5, 6, 7 repealed. St. 1902, 228 § 8.

SECT. 14 amended. St. 1903, 464 § 1. (See 1902, 228 § 3.)

Chapter 60.—Of the Survey and Sale of Lumber, Ornamental Wood and Ship Timber.

SECT. 4 amended. St. 1902, 477 § 1.

SECT. 7 amended. St. 1902, 477 § 2.

SECTS. 9, 10, 11 repealed. St. 1902, 477 § 3.

Chapter 62.—Of Weights and Measures.

SECTS. 2, 3. See St. 1903, 408 § 1.

SECT. 3. Barrel of sweet potatoes 150 pounds. St. 1902, 115.

SECT. 8. Deputy's salary changed. St. 1902, 457.

SECT. 17 amended. Provision charging expense to counties, cities and towns omitted. St. 1902, 539.

SECT. 21. See St. 1903, 408 § 2.

Chapter 64.—Of Auctioneers.

SECT. 6 *et seq.* Auction sales of horses in Boston restricted. St. 1904, 336; 1905, 426.

Chapter 65.—Of Itinerant Vendors, Hawkers and Pedlers.

SECT. 9 amended. St. 1902, 544 § 9.

SECT. 15 amended. St. 1905, 377.

SECT. 17 amended. Boot blacks added, and provision for licenses in Boston. St. 1902, 531.

SECT. 19 amended. St. 1905, 204.

SECT. 21 revised. St. 1903, 432.

Chapter 66.—Of Shipping and Seamen, Harbors and Harbor Masters.

Lines and regulations in certain harbors: Boston, St. 1882, 48; 1891, 309; 1892, 358 § 2; 1897, 486; 1898, 278; 1899, 469; 1901, 196. Buzzard's Bay, 1898, 169. Charles River, 1897, 479; 1901, 245, 401. (See 1903, 465.) Chelsea, 1887, 344. Gloucester, 1882, 103; 1883, 109; 1885, 315; 1895, 106. Haverhill, 1883, 104; 1902, 313; 1905, 327. New Bedford, 1901, 243; 1903, 363.

SECT. 19. As to Boston, see St. 1889, 147.

Chapter 67.—Of Pilots and Pilotage.

Fees established: Cohasset, St. 1887, 298. Salem and Beverly, 1887, 204. Winthrop, 1892, 114. Woods Hole, 1889, 275.

Chapter 68.—Of Agents, Consignees and Factors.

SECT. 6. See St. 1905, 324.

Chapter 70.—Of Common Carriers and Express Companies.

Act relative to trustee process against common carriers. St. 1905, 324.

Chapter 72. — Of the Use of Labels, Trade-Marks and Names.

Provision as to labels on baking powders. St. 1902, 540.

SECTS. 7, 8. Certain insignia, badges, etc., may be registered, and the unauthorized use thereof is prohibited. St. 1904, 335. (See 1902, 430; 1903, 275.)

Chapter 73. — Of Money and Negotiable Instruments.

SECT. 7 amended. St. 1905, 454 § 1.

SECT. 8 amended. St. 1905, 454 § 2.

Chapter 75. — Of the Preservation of the Public Health.

As to metropolitan water and sewerage system, see St. 1889, 439; 1895, 342, 406; 1897, 80, 81, 83, 88, 502; 1899, 342; 1900, 108; 1901, 168, 498; 1902, 101, 189, 391, 535; 1903, 161, 242, 356; 1904, 186, 230, 246, 273, 317, 426, 431; 1905, 457. Board of health shall publish in report and may publish in newspapers analyses and information as to adulterations. St. 1902, 272. (See 1902, 230.)

Provision for suppressing the gypsy and brown-tail moths. St. 1902, 57; 1905, 381.

Provision for separate systems of drainage for sewage and other waters. St. 1903, 383.

Act to establish a board of registration in embalming. St. 1905, 473.

Provision for hospital for lepers. St. 1905, 474.

Act relative to wood alcohol. St. 1905, 220.

SECT. 4 amended. St. 1903, 480. (See 1905, 344.)

SECTS. 4, 5. Powers and duties of inspector and assayer of liquors transferred to board of health. St. 1902, 110. (See 1902, 541.)

SECT. 6 amended. Amount increased. St. 1903, 467.

SECT. 8. See St. 1904, 395 § 1.

SECT. 16 amended. St. 1903, 367 § 1.

SECT. 19. Baking powders to be labelled. St. 1902, 540 § 1.

SECT. 24 amended. Fine reduced. St. 1905, 236.

SECTS. 25, 26. Innocent employees not to be punished for sales. St. 1903, 367 § 1.

SECT. 34 revised. St. 1902, 403.

SECT. 35 *et seq.* See St. 1905, 330.

SECT. 40. Board may admit patients from another city or town. St. 1902, 206 § 1.

SECTS. 42, 47, 52. See St. 1904, 395 § 1.

SECT. 46 amended. St. 1902, 206 § 2.

SECTS. 49, 50 amended. Certain diseases of the eyes added. St. 1905, 251.

SECT. 57 revised. St. 1902, 213. (See 1904, 395 § 2.)

SECT. 63. See St. 1905, 330.

SECT. 79. See St. 1903, 383.

SECT. 81. See St. 1905, 266.

SECT. 90 amended. Expense of purifying, and value of articles destroyed may be charged to city or town. St. 1903, 306 § 1.

SECTS. 103, 104 repealed. St. 1902, 312 § 1. Two new sections, 103, 104, added, relative to marking carcasses and inspection of domestic animals. St. 1903, 220 § 1.

SECT. 105 amended. St. 1902, 312 § 2; 1903, 220 § 2.

SECT. 112 *et seq.* See St. 1902, 541.

SECT. 118. See St. 1905, 266.

SECT. 137 revised. St. 1902, 190 § 1.

SECT. 139 revised. St. 1902, 190 § 2; 544 § 10.

Chapter 76.—Of the Registration of Physicians, Surgeons, Pharmacists and Dentists.

Provision for registration of veterinary practitioners and board of registration established. St. 1903, 249. For registration of embalmers. St. 1905, 473.

Salaries and allowance for travel fixed. St. 1902, 505; 1903, 228, 249 § 1.

SECTS. 4, 12, 27 repealed. St. 1902, 505 § 6.

SECT. 9. See St. 1903, 249 § 9.

SECT. 17 amended. Board may reconsider its action in certain cases. St. 1902, 321.

SECT. 23 added to. St. 1902, 327.

SECTS. 24-28 limited. St. 1903, 219.

SECT. 28 amended. St. 1905, 289 § 1.

SECT. 29 amended. St. 1903, 219; 1905, 289 § 2.

Chapter 77.—Of the Promotion of Anatomical Science.

Act to establish a board of registration of embalmers. St. 1905, 473.

SECT. 4 amended. St. 1904, 204.

SECT. 5 (new section) added relative to autopsies. St. 1902, 417.

Chapter 78.—Of Cemeteries and Burials.

Cities and towns may appropriate money for care of neglected burial grounds. St. 1902, 389.

SECT. 19 revised. St. 1904, 422 § 1.

SECT. 20 amended. St. 1904, 422 § 2.

SECT. 44. See St. 1905, 473.

Chapter 79.—Of State and Military Aid and Soldiers' Relief.

This chapter is revised. St. 1902, 192; 1903, 420; 1904, 381. (See 1902, 216, 250, 251, 292.) Act to provide for payment of bounties to certain veterans of the civil war. St. 1904, 458. (See 186 Mass. 604.)

SECT. 3. See St. 1902, 251; 1903, 387; 1904, 381 § 3.

SECTS. 18, 20, 21. See St. 1902, 250; 1904, 381 §§ 17, 18.

SECT. 20 extended. St. 1902, 292; 1904, 381 § 17.

Chapter 81.—Of the Support of Paupers by Cities and Towns.

SECT. 2. See St. 1905, 162.

SECT. 4 amended. St. 1905, 285.

SECT. 5 amended. St. 1905, 303 § 1.

SECT. 7 amended. St. 1905, 303 § 2.

SECT. 17. See act relative to care of indigent and neglected children. St. 1904, 356.

SECT. 17 *et seq.* See St. 1905, 354.

SECT. 21 amended to provide for case of refusal to submit to removal. St. 1903, 355 § 1. (See 1903, 233.)

SECT. 22. Cities and towns shall require tramps and vagrants lodged to perform labor. St. 1905, 344. (See 1904, 274; 1905, 348.)

SECT. 25. See St. 1902, 206, 213; 1905, 330.

SECTS. 26-28. See St. 1905, 464.

SECT. 41 revised. St. 1905, 115.

Chapter 82.—Of the Maintenance of Bastard Children.

SECT. 1 amended. St. 1904, 159.

SECT. 12 amended. St. 1905, 345.

Chapter 83.—Of the Protection of Infants and the Care of Pauper Children.

The Massachusetts School and Home for Crippled and Deformed Children is established. St. 1904, 446; 1905, 128.

Provision for care of indigent and neglected children. St. 1904, 356.

SECT. 10 amended. St. 1905, 269.

SECT. 20 *et seq.* Protection of minors in religious belief of their parents. St. 1905, 464.

SECT. 29. See St. 1903, 333.

SECT. 37 revised. St. 1903, 334 §§ 1-5, 7. (See 1904, 356.)

SECT. 38 revised. St. 1903, 334 §§ 6, 7. (See 1904, 356.)

Chapter 84.—Of the State Board of Charity.

Provision for hospital for lepers. St. 1905, 474.

SECT. 2. Board may advise overseers of the poor as to building almshouse. St. 1905, 162. (See 1904, 446 § 12; 1905, 128.)

SECT. 3 *et seq.* See St. 1904, 356 § 3.

SECT. 7 amended. St. 1905, 211 § 11.

SECT. 8 *et seq.* The board may provide for care of persons infected with diseases dangerous to the public health. St. 1904, 395.

SECT. 11 amended. St. 1903, 231 § 1. (See 1903, 233.)

SECT. 14 amended. St. 1903, 402 § 1.

Chapter 85.—Of the State Hospital and the State Farm.

Provision for hospital for lepers. St. 1905, 474.

SECT. 10 amended. St. 1903, 233.

SECT. 33 amended. St. 1903, 188.

SECT. 39 amended. St. 1904, 216.

Chapter 86.—Of the Lyman School for Boys, the Industrial School for Girls, and the Reformation of Juvenile Offenders.

Reform school for Boston. St. 1901, 359.

SECT. 10 *et seq.* See St. 1905, 464.

SECT. 20 amended. St. 1902, 314.

SECT. 31 amended. St. 1904, 459 § 6.

SECT. 36 amended. St. 1904, 363 § 2. (See 1905, 464.)

Chapter 87.—Of the State Board of Insanity and Institutions for the Insane.

Massachusetts School and Home for Crippled and Deformed Children. St. 1904, 446; 1905, 128.

State board may agree with a city or town for care of chronic and quiet insane persons. St. 1903, 400 § 1.

SECT. 4. See St. 1905, 211 § 1.

SECT. 6. See St. 1903, 400.

SECT. 6 *et seq.* Certain hospitals must keep records. St. 1905, 330.

SECT. 22. Number of trustees increased. St. 1902, 542. (See 1905, 400.)

SECT. 23. See St. 1904, 446 § 3; 1905, 175 § 3.

SECT. 25. See St. 1904, 347.

SECT. 33 amended. St. 1904, 459 § 1; 1905, 447.

SECT. 39 revised. St. 1905, 436 § 1.

SECT. 47 amended. St. 1904, 459 § 2.

SECT. 48 amended. St. 1904, 459 § 3.

SECT. 49 amended. St. 1905, 475. (See 1904, 278.)

SECTS. 49, 50. See St. 1903, 321.

SECT. 53 revised. St. 1905, 432 § 1.

SECT. 54 revised. St. 1905, 432 § 2.

SECT. 59. See St. 1905, 400.

SECT. 73 amended. St. 1904, 459 § 4.

SECTS. 76, 77. Provision for recovery of expenses. St. 1905, 354.

SECT. 81. Repeal and substitute. St. 1905, 282.

SECT. 87. See St. 1903, 400; 1904, 278.

SECT. 95 revised. St. 1905, 435.

SECT. 102 revised. St. 1905, 458 § 1. (See 1903, 400.)

SECT. 103 revised. St. 1905, 458 § 2.

SECT. 104 revised. St. 1905, 458 § 3.

SECT. 105 revised. St. 1905, 458 § 4.

SECT. 109. See St. 1903, 400.

SECT. 115 *et seq.* See St. 1905, 464.

SECT. 118 amended. St. 1904, 459 § 5.

SECTS. 127-129 repealed and new provisions made for appropriations and accounts. St. 1905, 175. (See 1905, 211 § 1, 400.)

Chapter 88. — Of the Massachusetts State Sanatorium.

SECT. 1. Number of trustees increased; two to be women. St. 1905, 159.

SECT. 3. See St. 1905, 175 § 3.

Chapter 89. — Of the State Board of Agriculture and the Dairy Bureau.

One hundred and twenty-five free scholarships are established at the Massachusetts agricultural college. St. 1904, 414 § 1.

Cattle bureau established with powers and duties of board of cattle commissioners. St. 1902, 116 §§ 2, 3.

State nursery inspectorship established and provision for protection of trees, etc., from injurious insects and diseases. St. 1902, 495. (See 1902, 57; 1905, 381.)

Office of state forester established and duties prescribed. St. 1904, 409.

SECT. 1 amended. St. 1902, 116 § 4.

SECT. 4. See St. 1904, 444 §§ 2, 3.

SECT. 5 amended. St. 1905, 155.

SECT. 8. See St. 1905, 211 § 1.

Chapter 90. — Of the Board of Cattle Commissioners and of Contagious Diseases of Domestic Animals.

Board of cattle commissioners abolished and powers and duties transferred to cattle bureau of state board of agriculture. St. 1902, 116. (See 1903, 249; 1904, 414 § 2.)

SECT. 3. See St. 1905, 211 § 1.

SECT. 4 *et seq.* See St. 1903, 220 § 1.

SECT. 26. See St. 1905, 266.

SECT. 31. Tuberculin tests to be without charge to citizens. St. 1903, 322.

Chapter 91. — Of Fisheries.

Powers and duties of inspector general of fish transferred to the commissioners on fisheries and game. St. 1902, 138. Commissioners may investigate questions relating to fish and game. St. 1902, 178. (See 1903, 291.)

Fishing regulated in various places: Barnstable county; St. 1884, 264; 1887, 120; 1892, 196; 1901, 184; 1903, 298. Bass river; 1894, 134. Berkshire; 1888, 276; 1890, 193; 1895, 199; 1902, 137, 544 § 11. Boston harbor; 1894, 189. Bourne; 1899, 194. Brimfield; 1895, 411. Bristol; 1882, 189; 1891, 198. Buzzard's bay; 1884, 214 § 2; 1886, 192; 1891, 237; 1893, 205, 255. Charles river; 1894, 189. Cottage City; 1905, 281 § 1. Dennis; 1895, 203. Dukes; 1884, 245; 1886, 234; 1891, 198. Eastham; 1893, 77; 1904, 269; 1905, 265. Edgartown; 1886, 234; 1891, 52; 1897, 181; 1903, 216; 1904, 301; 1905, 281. (See 1904,

319.) Franklin, Hampden and Hampshire; 1890, 193; 1902, 137. Haverhill; 1894, 296. Hingham; 1894, 189. Ipswich; 1897, 289. (See 1902, 164.) Marion; 1892, 188; 1893, 255; 1902, 94. Marshfield; 1889, 292; 1890, 336. Mashpee; 1884, 264; 1892, 196; 1903, 298. Mattapoisett; 1884, 214; 1890, 229; 1892, 186. Merrimac river; 1882, 166; 1883, 31, 121; 1884, 317; 1895, 88; 1897, 110. (See 1902, 164.) Mystic river; 1894, 189. Nantucket; 1891, 128; 1904, 232. Neponset river; 1894, 189. Norwell and Pembroke; 1889, 292; 1890, 336. Orleans; 1904, 118, 269; 1905, 265. (See 1901, 163.) Plum Island bay; 1887, 105; 1890, 30; 1900, 159. (See 1902, 164.) Plymouth; 1884, 199; 1886, 163; 1889, 292; 1890, 336. Podonk pond; 1900, 234. Quinsigamond lake; 1896, 259; 1901, 158; 1905, 429. Rehoboth and Swansea; see 1904, 132. Randolph; 1889, 78. Rowley; 1897, 289. Sandwich; see 1904, 321. Scituate; 1889, 292; 1890, 336. Tisbury; 1902, 188; 1903, 201. Webster; 1896, 110. Weir river; 1894, 189. Wellfleet; 1891, 135; 1904, 269. Westport; 1887, 193; 1891, 137. Weymouth river; 1894, 189.

SECT. 3 amended. St. 1905, 407.

SECT. 3 *et seq.* A commissioner or deputy with a warrant may search certain premises for violation of fish or game laws. St. 1904, 367 § 1. (See 1902, 178; 1905, 317.)

SECT. 7 revised. St. 1902, 164.

SECT. 9 amended. St. 1904, 365.

SECT. 15 *et seq.* Provision as to sale or lease of certain islands in great ponds. St. 1904, 379.

SECT. 19 amended. Ponds may be restocked and time extended. St. 1903, 274.

SECT. 26 revised. St. 1904, 308. (See 1903, 294; 1904, 118.)

SECTS. 36, 42. See St. 1904, 132.

SECT. 52. See St. 1904, 118.

SECT. 54. See St. 1904, 319.

SECT. 63 amended. St. 1902, 137.

SECT. 63 *et seq.* An act to prohibit for three years sale of all trout except those artificially reared. St. 1903, 205.

SECT. 64 amended. St. 1902, 544 § 11; 1905, 190.

SECT. 67 amended. St. 1904, 329.

SECT. 68 repealed and new provisions made. St. 1905, 417. (See 1904, 364.)

SECT. 69 repealed. St. 1904, 223.

SECT. 81 amended. St. 1904, 116 § 1; 1905, 81.

SECT. 83 *et seq.* Propagation and cultivation of shellfish regulated. St. 1904, 282.

SECT. 85 limited. St. 1903, 216 § 6; 1904, 269 § 6; 1905, 265 § 1.

SECT. 86 *et seq.* Provision for protection of lobsters with eggs attached. St. 1904, 408 § 1.

SECT. 116. See St. 1904, 118.

SECT. 127 in part repealed. St. 1904, 301 § 2. Amended. St. 1905, 281 § 1. (See 1904, 301 § 1.)

SECT. 133 revised. St. 1903, 246.

SECT. 134 extended. St. 1904, 282 § 2.

Chapter 92.—Of the Preservation of Certain Birds and Animals.

Act to prevent holding in captivity insectivorous and song birds. St. 1902, 127. (See 1903, 287.)

Unnaturalized foreign-born persons prohibited from hunting unless licensed. St. 1905, 317.

SECT. 1 amended. St. 1904, 176.

SECT. 2 amended. St. 1903, 206.

SECTS. 2, 3. Protection in Bristol. St. 1904, 366 § 2.

SECT. 3 amended. St. 1902, 165; 1905, 122, 406. Nantucket. St. 1902, 85. (See 1893, 49; 1894, 102; 1904, 366 §§ 2, 3.)

SECT. 4. As to wild ducks and geese in Dukes County. St. 1905, 273.

SECT. 5 amended. St. 1903, 162, 244 § 1; 1905, 414. (See 1903, 329.)

SECT. 6 revised. St. 1904, 369.

SECT. 7 amended. St. 1903, 287.

SECT. 8 amended. St. 1903, 329 § 1.

SECT. 9. See St. 1904, 366.

SECT. 11. See St. 1905, 273.

SECT. 16 amended. St. 1905, 73.

SECT. 17 revised. St. 1905, 419. (See 1903, 245.)

SECT. 18 revised. St. 1905, 245. (See 1902, 154.)

SECT. 20 amended. St. 1905, 445.

SECT. 22 revised. St. 1902, 236.

SECT. 23. Provision for bounties for killing a wild-cat or Canada lynx. St. 1903, 344 § 1. And for damages caused by wild deer. St. 1903, 407.

Chapter 95.—Of Unclaimed or Abandoned Property.

SECT. 8. Provision for disposition of such property in possession of metropolitan park officer. St. 1904, 170.

Chapter 96.—Of the Board of Harbor and Land Commissioners.

SECT. 2. See St. 1905, 211 § 1.

SECT. 3. See St. 1904, 379.

SECT. 8. See St. 1902, 224, 425; 1904, 273.

SECT. 9. See St. 1903, 150 § 1.

Chapter 98.—Of the Observance of the Lord's Day.

SECTS. 1, 2 revised. St. 1904, 460 §§ 1, 2. (See 1904, 176.)

SECT. 3. Sale of ice-cream, soda-water and confectionery permitted in certain cases. St. 1902, 414.

SECT. 5 revised. St. 1904, 460 § 3.

Chapter 99.—Of Gaming.

Club charter may be revoked in case of seizure of gaming implements on premises. St. 1902, 254.

Chapter 100.—Of Intoxicating Liquors.

Act relative to wood alcohol. St. 1905, 220.

Act relative to storage of liquors by persons holding fourth or fifth class licenses. St. 1905, 284.

SECT. 1 amended as to sale of cider and wine. St. 1903, 460.

SECT. 10 *et seq.* Provisions for local district option in Boston. St. 1902, 485.

SECTS. 17, 18. Fourth and fifth classes. Storage. St. 1905, 284.

SECT. 20 revised. St. 1902, 171. Amended. St. 1905, 206.

SECT. 22. See St. 1902, 327.

SECT. 33 repealed. St. 1903, 461 § 1.

SECT. 62. Gift or sale to a patient in dipsomaniac hospital is punishable. St. 1903, 410.

SECT. 67. Office of inspector and assayer abolished and powers and duties transferred to state board of health. St. 1902, 110.

SECT. 86 amended. St. 1904, 122.

SECT. 88. See St. 1902, 485 § 4. Club charter may be revoked in certain cases. St. 1902, 524.

Chapter 101.—Of Common Nuisances.

Obstruction of means of egress from buildings declared a common nuisance. St. 1905, 347 § 1.

Certain nuisances in Boston. St. 1893, 342; 1897, 185; 1904, 336; 1905, 426.

Chapter 102.—Of Licenses and Municipal Regulations of Police.

Provision for registration and licensing of embalmers. St. 1905, 473.

Licensing of theatres and public halls. St. 1904, 450; 1905, 341, 342.

In certain cities public lodging houses must be licensed. St. 1904, 242. (See 1894, 414.)

Licenses to unnaturalized foreign-born persons to hunt. St. 1905, 317.

Licenses in Boston: To gas fitters. St. 1897, 265. To junk dealers. St. 1900, 416. (See 1902, 187 § 4.) To minors to black boots, etc. St. 1902, 531. (See 1904, 450 § 2.)

Provision for licensing operators of automobiles and motor cycles. St. 1903, 473; 1905, 311. (See 1902, 315; 1905, 366.) And dealers in coal and coke. St. 1903, 484.

SECTS. 29, 30, 32 amended. "Junk collectors" added. St. 1902, 187 §§ 1, 2, 3.

SECT. 40 amended. St. 1905, 415.

SECT. 57 *et seq.* As to licenses in Lowell, see St. 1902, 151, 187 § 5.

SECT. 64. See St. 1905, 308.

SECT. 78. See St. 1905, 310 § 4.

SECT. 81 amended. St. 1905, 310 § 1.

SECT. 82 revised. St. 1905, 310 § 2.

SECT. 86 amended. St. 1905, 310 § 3.

SECT. 89 *et seq.* Provisions for regulations as to explosives and inflammable fluids. St. 1905, 280. (See 1904, 370.)

SECT. 114. See St. 1904, 370; 1905, 280.

SECT. 122 *et seq.* As to smoke nuisance in Boston, see St. 1905, 418.

SECT. 133 in part repealed. St. 1904, 353 § 3.

SECT. 138 revised. St. 1904, 105 § 1.

SECT. 141 repealed. St. 1904, 105 § 2.

SECT. 150 *et seq.* Provision for better protection of domestic animals from dogs. St. 1902, 226; 1904, 127.

SECT. 151 amended as to appointment of appraisers. St. 1903, 100; 1904, 283.

SECT. 152. Increase in amount of reward authorized. St. 1905, 106.

SECT. 155 amended. St. 1904, 142.

SECT. 172 in part repealed. St. 1904, 450 § 15. Amended. St. 1904, 460 § 4; 1905, 341. (See 1904, 450 § 2; 1905, 342.)

SECT. 173 amended. St. 1904, 460 § 5. (See 1904, 450 § 15; 1905, 341.)

SECT. 173 *et seq.* Act to prevent unauthorized performance, etc., of certain dramatic and musical compositions. St. 1904, 183.

SECT. 186 amended. "Junk collectors" added. St. 1902, 187 § 4.

Chapter 104.—Of the Inspection of Buildings.

Licensing and inspection of theatres and public halls regulated. St. 1904, 450. (See 1904, 460 §§ 4, 5; 1905, 341, 342.) Acts to regulate use of cinematographs or similar apparatus. St. 1905, 176, 437.

Act to prohibit obstruction of means of egress from buildings. St. 1905, 347.

Building laws for Boston. St. 1892, 419; 1893, 170, 293, 297, 464; 1894, 257, 443; 1895, 97, 239, 280, 314; 1896, 416, 520; 1897, 175, 219, 265, 300, 310, 413; 1898, 209, 228, 308, 452; 1899, 161, 185, 222; 1900, 271, 321, 335 § 2; 1901, 474; 1902, 400; 1903, 301 § 1; 1904, 227, 333, 336, 368, 450 §§ 2, 10; 1905, 342, 383, 426.

SECTS. 12–15. See St. 1904, 450 §§ 4–10; 1905, 472.

SECT. 22 *et seq.* An act to regulate public lodging houses in certain cities. St. 1904, 242.

SECT. 25. See St. 1905, 347 § 1.

SECTS. 27, 28. An act relative to the operation and custody of elevators. St. 1902, 350.

SECT. 29. See St. 1905, 347 § 2.

SECT. 36. See St. 1905, 347 § 2.

SECTS. 41, 42. Provision for protection from flying shuttles. St. 1904, 347.

SECT. 54. See St. 1905, 347.

Chapter 105.—Of the Inspection of Steam Boilers.

Act relative to the inspection of steam boilers. St. 1905, 472.

SECT. 4. See St. 1905, 472 § 3.

Chapter 106.—Of the Employment of Labor.

Removals and suspensions of certain employees regulated. St. 1904, 314; 1905, 243.

No public service corporation shall appoint or discharge any person at request of any public officer or member of public body. St. 1903, 320.

Cities and towns may establish hours of labor of members of fire department. St. 1904, 315. Provision for security of persons furnishing materials or labor on public buildings. St. 1904, 349. (See 1904, 373.)

SECT. 1. Salaries fixed. St. 1904, 399.

SECT. 2 amended. St. 1902, 446; 1904, 313 § 1.

SECTS. 3-5 amended. St. 1904, 313 §§ 2-4.

SECTS. 10, 11. Corrupt influencing of agents, etc., prohibited. St. 1904, 343 § 1.

SECT. 14 revised. St. 1904, 311.

SECT. 19 *et seq.* See St. 1902, 384, 494; 1904, 334.

SECT. 23 amended. St. 1904, 397.

SECT. 24 amended. St. 1902, 435.

SECT. 28 amended. St. 1905, 267 § 1.

SECTS. 29-32. See St. 1905, 267 § 2.

SECT. 31 revised. St. 1904, 432; 1905, 213 § 1.

SECT. 34. See St. 1904, 356.

SECT. 35 amended. St. 1902, 183.

SECT. 43. Act relative to operation and custody of elevators. St. 1902, 350.

SECTS. 47-55. Pure drinking water must be supplied in manufacturing establishments during working hours. St. 1902, 322. Fans or blowers required in all places where emery or buffing wheels or belts are used. St. 1903, 475.

SECT. 56 amended. St. 1905, 238.

SECT. 62 amended. Employee who leaves is to be paid on next pay day. St. 1902, 450.

SECT. 63. See St. 1905, 308.

SECT. 65 amended. St. 1905, 304 § 1.

SECT. 66 amended. St. 1905, 304 § 2. Penalty provided. St. 1905, 304 § 3.

SECT. 71. Provision for protecting operatives in factories from injury by flying shuttles. St. 1904, 347.

Chapter 107.—Of the Bureau of Statistics of Labor and the Board of Supervisors of Statistics.

SECT. 2. See St. 1905, 211 § 1.

SECTS. 10, 11 repealed. St. 1902, 438 § 7.

Chapter 108.—Of District and Other Police Officers.

The fire marshal's department is abolished and duties and powers transferred to detective department of district police. St. 1904, 433; 1905, 280. Salaries of fire inspectors. St. 1905, 247 § 1, 461 § 1. (See 1902, 142; 1903, 365; 1904, 370.)

Board of police for Boston. St. 1885, 323; 1889, 419; 1894, 266; 1897, 320; 1904, 353. (See 1900, 306; 1903, 312, 428 § 3; 1904, 402; 1905, 223.)

SECT. 1. Fourteen detectives. St. 1904, 318. Two additional inspectors. St. 1904, 430. (See 1903, 333.)

SECTS. 1, 8. See St. 1903, 333, 365 §§ 2, 4; 1904, 347 § 2.

SECT. 2. See St. 1905, 211 § 1.

SECT. 5. Salaries fixed. St. 1904, 382; 1905, 247 § 1, 365, 461 § 1.

SECTS. 7, 8. See St. 1903, 475 §§ 3, 5; 1905, 176, 304 § 4, 472.

SECT. 10 amended. St. 1902, 544 § 12.

SECT. 11. See St. 1903, 333.

SECT. 17 extended. St. 1904, 59.

SECT. 29 amended. St. 1903, 428 § 1.

SECT. 30 revised. St. 1903, 428 § 2.

Chapter 109. — Of Certain Powers, Duties and Liabilities of Corporations.

New provisions made for business corporations. St. 1903, 437. This chapter is repealed so far as it applies to corporations subject to St. 1903, 437. St. 1903, 437 § 95. (See 1902, 370, 441; 1903, 423; 1904, 207, 261, 442; 1905, 222.)

Corporations or persons engaged in business of selling tickets for transportation to or from foreign countries and in connection therewith receiving money for transmission to foreign countries must give bond to the state treasurer. St. 1905, 428.

SECT. 54 amended. St. 1905, 156. (See 1903, 437 § 53.)

Chapter 110. — Of Manufacturing and Other Corporations.

New provisions made for business corporations. St. 1903, 437. This chapter is repealed so far as it applies to corporations subject to St. 1903, 437. St. 1903, 437 § 95. (See 1902, 441; 1904, 207, 261, 442; 1905, 222.)

SECT. 50. See St. 1905, 330.

Chapter 111. — Of Railroad Corporations and Railroads.

SECT. 4. See St. 1903, 320.

SECT. 8 amended. St. 1902, 432 § 1.

SECT. 9. Salaries of inspectors changed. St. 1902, 402. Expense allowance increased. St. 1904, 96.

SECT. 10 revised. St. 1904, 429. (See 1902, 432 § 2.)

SECT. 11 *et seq.* Powers of commissioners enlarged. St. 1902, 432 § 1, 449 § 3; 1903, 173 § 1, 202 § 1; 1904, 265 § 1. (See 1902, 440 §§ 6, 7, 483 § 2; 1905, 211 § 1.)

SECTS. 15, 16 amended. Street railways included and "waiting rooms" added. St. 1904, 357 §§ 1, 2.

SECT. 39. See St. 1903, 476 § 1.

SECT. 59 repealed so far as relates to transfer of stock. St. 1903, 423 § 2.

SECTS. 63-70, 74. See St. 1902, 370.

SECT. 84 repealed. St. 1903, 126 § 1.

SECTS. 88, 91, 98-116, 118-120, 123, 124-129, 190-195. See St. 1903, 476 § 2.

SECT. 103. See St. 1905, 266.

SECTS. 134, 136, 137 amended. Street railway companies added. St. 1902, 533.

SECT. 142 *et seq.* See St. 1905, 266.

SECT. 149 amended. St. 1902, 370.

SECTS. 149-160. See St. 1902, 440 § 5, 507; 1903, 476 § 3; 1905, 408.

SECTS. 150, 151. Cost of service, publication, entry of petition, costs of hearing, and of plans, may be taxed and apportioned. St. 1902, 298. (See 1905, 408 § 1.)

SECT. 151 amended. St. 1902, 440 § 2. (See 1905, 408 § 3.)

SECT. 152 amended. St. 1902, 440 § 3; 1905, 408 § 2.

SECT. 153 amended. St. 1903, 478 § 1; 1905, 408 § 3. (See 1905, 266.)

SECT. 155 amended. St. 1902, 440 § 4.

SECT. 157. See St. 1905, 456.

SECT. 158. See St. 1902, 507.

SECT. 159 revised. St. 1902, 440 § 6.

SECTS. 170-176. As to bridges in Boston, see St. 1889, 246; 1890, 118; 1893, 357; 1902, 224; 1904, 412.

SECT. 237 amended. St. 1902, 544 § 13.

SECT. 239 *et seq.* See St. 1905, 324.

SECT. 249 *et seq.* See St. 1904, 59; 1905, 134, 208, 210.

SECT. 250 amended. St. 1905, 210 § 1.

SECT. 263 amended. Street railways added. St. 1903, 297.

SECT. 268. See St. 1905, 266.

SECT. 284 amended. Provision for acquiring railroad property in foreign countries. St. 1904, 169 § 1.

SECT. 285 amended. St. 1904, 169 § 2.

Chapter 112.—Of Street Railway Corporations.

Provision for elevated railway and subways in Boston. St. 1894, 548, 550; 1895, 440; 1896, 492; 1897, 500; 1902, 114, 534; 1904, 167. (See 1887, 413 § 4; 1890, 368, 454 § 12.)

Provision for authority to take land to avoid dangerous curves, or grades, or for other similar purposes. St. 1903, 476.

SECT. 1. See St. 1903, 202, 297, 320; 1904, 441.

SECT. 5 amended as to residence of directors. St. 1905, 80.

SECTS. 7-11. Locations, extensions and alterations must be approved by board of railroad commissioners and the thirty days for acceptance by the company run from date of issue of notice by the commissioners. St. 1902, 399. Grants of location void if company fails to organize. St. 1902, 396. If location is revoked or void, sections 7 and 11 apply to new petitions. St. 1902, 395.

SECTS. 9, 29. See St. 1903, 476 § 4.

SECT. 18 repealed so far as relates to transfer of stock. St. 1903, 423 § 2.

SECTS. 20, 21, 23 repealed and new provisions made as to issue of stock

and bonds. St. 1902, 370. (See 1902, 440 § 7, 441, 449 § 5; 1903, 437 §§ 14-16.)

SECTS. 30-32. As to locations and alterations, see St. 1902, 395, 399.

SECT. 40 amended. St. 1903, 143; 1905, 376 § 1.

SECT. 42 repealed. St. 1905, 376 § 2.

SECT. 44. Street railway companies required to pay part of cost of building and repairing bridges on highways over which they have a location. St. 1902, 533. (See 1905, 266.)

SECT. 45 amended. St. 1904, 110 § 1.

SECT. 48. Loitering without right in station is punishable. St. 1905, 134.

SECT. 52 amended. Brakes and emergency tools may be required. St. 1903, 134 § 1.

SECT. 55 amended. St. 1902, 288. Provision for carriage of baggage or freight. St. 1903, 202 § 1; 1904, 441.

SECT. 62 *et seq.* See St. 1902, 440.

SECT. 69 *et seq.* Act relative to transfer tickets. St. 1904, 267.

SECT. 76 amended. Last sentence stricken out. St. 1902, 370 § 2.

SECTS. 93-98. Companies must report fatal accidents. St. 1903, 297.

SECT. 95 repealed. St. 1903, 328 § 1.

SECTS. 101-105 added, relative to liens for labor and materials furnished in construction. St. 1904, 373.

Chapter 113. — Of Savings Banks and Institutions for Savings.

SECT. 2 amended. Additional clerk authorized. St. 1902, 490.

SECT. 3 *et seq.* Powers of commissioners extended. St. 1902, 355 § 2, 463, 483 §§ 1, 3; 1904, 374 § 5, 392 §§ 3-7, 427. (See 1905, 211 § 1.)

SECTS. 14, 15. No president, vice-president or treasurer shall hold similar office in a bank or trust company. St. 1902, 169 § 4.

SECT. 16 amended. Names of corporators to be published. St. 1902, 169 § 1.

SECT. 21 *et seq.* Offices not to be same as or connected with offices of a bank or trust company. St. 1902, 169 § 3.

SECT. 26. Additional securities. St. 1902, 483 § 1. Cl. 2 *d* amended. St. 1904, 208 § 1. Cl. 3 *m* amended. St. 1905, 250. Cl. 4 *e* extended. St. 1904, 210 § 1. Cl. 4 *g*. See St. 1902, 483 § 1.

SECT. 47. Names of corporators to be reported. St. 1902, 169 § 2.

SECT. 56 extended. St. 1904, 200.

Chapter 114. — Of Co-operative Banks.

Consolidation of two or more banks authorized and regulated. St. 1904, 392.

SECT. 4 amended. St. 1903, 147 § 1.

SECTS. 9, 10 amended. St. 1903, 95 §§ 1, 2.

SECT. 14. Loans limited. St. 1904, 292 § 1.

SECT. 24 revised. St. 1903, 203 § 1.

SECT. 31 (new section) added, relative to increase in limit of capital. St. 1903, 147 § 2.

Chapter 115.—Of Banks and Banking.

Corporations or persons engaged in business of selling tickets for transportation to foreign countries, and who receive funds for transmission abroad, must give bond to state treasurer. St. 1905, 428.

Officers and offices must not be same as or connected with those of a savings bank. St. 1902, 169 § 3.

SECT. 56 *et seq.* See St. 1904, 263.

Chapter 116.—Of Trust Companies.

Acts relative to the incorporation and to the reserve funds of trust companies. St. 1904, 374 ; 1905, 331.

Officers and offices not to be same as or connected with those of a savings bank. St. 1902, 169 § 3. An act relative to maintenance of branch offices. St. 1902, 355.

SECTS. 2-6. See St. 1904, 374 §§ 1-5.

SECT. 5. Act relative to increase of capital. St. 1905, 189.

SECT. 28. See St. 1904, 374 §§ 6, 7 ; 1905, 331 § 1.

SECT. 30 amended. St. 1905, 228.

Chapter 117.—Of Mortgage Loan and Investment Companies.

See act to regulate bond and investment companies. St. 1904, 427.

Chapter 118.—Of Insurance.

Act relative to returns and reserves of accident insurance companies. St. 1905, 287.

SECT. 6. Disposition of certain old papers allowed. St. 1904, 247 § 1.

SECT. 7 amended. St. 1903, 421.

SECT. 11. Cl. 4 amended. St. 1903, 223 § 1. (See 1905, 287.)

SECT. 15 amended. St. 1902, 106.

SECT. 18 *et seq.* See St. 1905, 287.

SECT. 29. Companies may do business under clauses 3 and 11. St. 1902, 340 §§ 1, 3. (See 1904, 427 § 7.) Cl. 4, 5. See St. 1905, 287, 401, 472.

SECT. 39 amended. Further restrictions. St. 1904, 300 § 1.

SECT. 43 amended. St. 1903, 174 § 1.

SECT. 45. See St. 1904, 300 § 1.

SECT. 60. Cl. 7. Word "noon" defined. St. 1904, 240 § 1.

SECT. 61. Authority to transact new business restricted. St. 1904, 304.

SECT. 77. See St. 1902, 340 § 2.

SECT. 78 *et seq.* See St. 1905, 315, 401.

Chapter 119.—Of Fraternal Beneficiary Corporations.

SECTS. 1, 2. See St. 1903, 332 § 1.

SECT. 6. Domestic corporation may adopt provisions of R. L., ch. 120. St. 1904, 155. (See 1904, 427 § 7.)

SECT. 12 amended. St. 1903, 332 § 1.

Provision for partial payment on death of wife. St. 1904, 271.

SECT. 13. Restriction as to name. St. 1905, 315.

SECT. 14. See St. 1903, 166.

SECT. 17. See St. 1903, 332 § 1.

Chapter 120.—Of Assessment Insurance.

SECT. 1. Domestic corporation organized under R. L., ch. 119, may also carry on business under this chapter. St. 1904, 155.

SECT. 6. See St. 1904, 155 § 3, 427 § 7.

SECT. 13 amended. St. 1903, 227.

Chapter 121.—Of Gas and Electric Light Companies.

SECTS. 1-4. Powers and duties of inspector of gas meters transferred to board of gas and electric light commissioners. St. 1902, 228. (See 1903, 464; 1905, 211 § 1.)

SECT. 4 superseded. St. 1904, 435.

SECT. 7. See St. 1905, 211 § 1.

SECT. 21. See St. 1903, 320.

SECT. 31 amended. St. 1903, 406 § 1.

SECT. 33 amended. St. 1903, 164.

SECT. 34. See St. 1903, 464.

Chapter 122.—Of Companies for the Transmission of Electricity.

SECT. 1. See St. 1903, 320.

SECT. 2 revised. St. 1903, 237.

Chapter 123.—Of Proprietors of Wharves, Real Estate Lying in Common, General Fields, and Aqueduct Corporations.

SECT. 42 repealed so far as relates to transfer of stock. St. 1903, 423 § 2.

Chapter 125.—Of Corporations for Charitable and Other Purposes.

SECT. 2. Charter may be revoked in certain cases. St. 1902, 524.

SECT. 5. See St. 1905, 464.

SECT. 13. See St. 1902, 430; 1903, 275.

SECT. 20. Trustees shall make annual reports. St. 1904, 248.

SECT. 22. See St. 1905, 216.

Chapter 126.—Of Foreign Corporations.

This chapter, except section 8, is repealed so far as it applies to corporations subject to St. 1903, 437. St. 1903, 437 §§ 56-70, 95. (See 1904, 261, 442; 1905, 222, 233, 242.)

SECT. 4. See St. 1905, 242.

SECT. 6. See St. 1903, 437 § 66; 1905, 233.

Chapter 127.—Of the Alienation of Land.

SECTS. 1-6. Signature of married woman under twenty-one to conveyance of husband's land has same validity as if she were over that age. St. 1902, 478.

SECT. 8 amended. "Special commissioners" added. St. 1902, 289.

Chapter 128.—Of the Registration and Confirmation of Titles to Land.

Name of court changed to "Land Court," jurisdiction enlarged and proceedings regulated. St. 1904, 448; 1905, 249, 288. (See 1905, 195, 286, 291, 296.)

SECT. 1 amended. St. 1904, 448 § 10; 1905, 249 § 1.

SECT. 12 in part repealed. Associate's salary fixed. St. 1904, 386.

SECT. 13, relative to appeals, amended. St. 1902, 458; 1904, 448 §§ 3, 8; 1905, 288. (See 1905, 249, 291.)

SECTS. 13-17. See St. 1904, 448 § 3; 1905, 249, 288, 291.

SECT. 18 amended. St. 1905, 249 § 2. (See 1905, 296 § 2.)

SECT. 29. See St. 1904, 448 § 6.

SECT. 35. Act relative to compensation of masters. St. 1905, 195.

SECT. 40. See St. 1904, 448 § 4.

SECT. 62 amended. St. 1905, 296 § 1. Limited. St. 1905, 296 § 2.

SECT. 89. See St. 1904, 317, 443.

SECT. 109. See St. 1905, 249 § 3.

Chapter 129.—Of Estates for Years and at Will.

As to payment of collateral legacy tax on estates where there is an intervening estate for life or a term of years, see St. 1902, 473; 1904, 421.

Chapter 132.—Of the Rights of a Husband in the Real Property of His Deceased Wife and the Rights of a Wife in that of Her Deceased Husband.

SECT. 1. St. 1894, 170 is declared to be in full force in respect of claims to which surviving husband or wife was entitled on or before December 31, 1901, under Public Statutes, ch. 124 §§ 1, 3. St. 1902, 482.

SECTS. 4, 5. Signature of married woman under twenty-one is valid. St. 1902, 478.

SECT. 9 amended. St. 1904, 306.

Chapter 134.—General Provisions relative to Real Property.

As to payment of collateral legacy tax on estates where there is an intervening estate for life or years, see St. 1902, 473; 1904, 421.

Chapter 135.—Of Wills.

SECT. 12 amended. St. 1902, 160.

Chapter 136.—Of the Probate of Wills and the Appointment of Executors.

SECT. 1 amended. St. 1905, 90.

Chapter 138.—Of Public Administrators.

SECTS. 10, 11. Public administrators may be authorized by probate courts to have charge of and to lease or sell real estate. St. 1903, 260 §§ 1, 2; 1905, 124 § 1. Sales made under St. 1903, 260 § 1, ratified. St. 1905, 124 § 2.

Chapter 140.—Of Allowances to Widows and Children, the Distribution of the Estates of Intestates, and of Advancements.

SECT. 3. Cl. 3 amended. St. 1905, 256.

Chapter 141.—Of the Payment of Debts, Legacies and Distributive Shares.

SECT. 2 amended. St. 1904, 165.

Chapter 143.—Of the Settlement of the Estates of Deceased Non-residents.

SECT. 2 amended by act to facilitate settlements. St. 1904, 360.

Chapter 144.—Of the Settlement of Estates of Absentees.

Act relative to the settlement of trust estates, the final disposition of which depends upon the death of a beneficiary who has disappeared or absconded and not been heard of for fourteen years. St. 1905, 326.

SECT. 1 revised. St. 1903, 241 § 1. (See 1902, 544 § 14.)

SECTS. 3-5, 7, 8. See St. 1902, 544 §§ 15-19; 1903, 241 § 3.

SECT. 4 amended. St. 1904, 206 § 1.

SECT. 11 revised. St. 1903, 241 § 2.

SECT. 12. See St. 1902, 544 § 20; 1904, 206 § 2.

Chapter 145.—Of Guardianship.

SECT. 4 amended. Parents or surviving parent to have custody of minor, if competent. St. 1902, 474; 1904, 163. (See 1902, 324.)

SECT. 40 amended. St. 1903, 96 § 1; 1905, 127 § 1.

Chapter 146.—Of Sales, Mortgages and Leases of Real Property by Executors, Administrators and Guardians.

SECT. 18 amended. St. 1904, 217.

Chapter 148.—Provisions relative to Sales, Mortgages, etc., by Executors, etc.

Public administrators may be licensed to lease or sell real estate. St. 1903, 260.

SECTS. 14-18. Probate court to have jurisdiction. St. 1903, 222 § 1.

SECT. 15. Certain proceedings of probate courts are confirmed. St. 1902, 538.

Chapter 149.—Of Bonds of Executors, Administrators, Guardians and Trustees.

SECT. 1. Cl. 4. See St. 1905, 326.

Chapter 150.—Of the Accounts and Settlements of Executors, Administrators, Guardians, Trustees and Receivers.

Trusts for benefit of a city or town to be audited by city or town auditor. St. 1904, 322.

Act relative to the settlement of trust estates the final disposition of which depends upon the death of a beneficiary who has disappeared or absconded and not been heard of for fourteen years. St. 1905, 326.

Chapter 151.—Of Marriage.

SECT. 11. Court having jurisdiction may issue writ of *habeas corpus* in cases of children whose care or custody is in question. St. 1902, 324. (See 1902, 474.)

SECT. 14 revised. St. 1902, 310.

SECT. 40. Advertising to perform or procure performance of marriage ceremony is made punishable. St. 1902, 249.

Chapter 152.—Of Divorce.

SECT. 13 amended. St. 1902, 544 § 21.

SECT. 25. Court having jurisdiction may bring before it on *habeas corpus* any child whose care or custody is in question. St. 1902, 324. (See 1902, 474.)

Chapter 153.—Of Certain Rights and Liabilities of Husband and Wife.

SECTS. 15, 16. See St. 1902, 478.

SECT. 33. See St. 1902, 324.

Chapter 154.—Of the Adoption of Children and Change of Names.

SECT. 2 amended. St. 1902, 544 § 22; 1904, 302.

Chapter 156.—Of the Supreme Judicial Court.

SECT. 5 amended. Provision for jurisdiction of actions of contract and replevin stricken out. St. 1905, 263 § 1.

SECTS. 15, 16. Plymouth law questions to be heard in Suffolk. St. 1903, 54 §§ 1, 2.

Chapter 157.—Of the Superior Court.

SECT. 1. Number of associate justices increased to twenty-two. St. 1903, 472 § 2. (See 1902, 383.)

SECTS. 2, 3. See St. 1903, 383 § 4.

SECT. 3. Jurisdiction in writs of entry, petitions to try title to real estate, to determine validity of encumbrances on real estate, and to discharge mortgages transferred to the land court. St. 1904, 448 § 1. (See 1905, 195, 249, 288, 291.) Provision for issue of *habeas corpus* in disputes as to care or custody of child. St. 1902, 324.

SECT. 4. See St. 1905, 263 § 1.

SECT. 6. See St. 1905, 288.

SECT. 24. Sessions changed: Barnstable, St. 1902, 456 § 2. Berkshire, 1904, 38. Hampden, 1904, 144. Middlesex, 1903, 97 § 1. Plymouth, 1903, 54 §§ 3-5. Suffolk, 1902, 456 § 1; 1903, 472 § 1.

Chapter 159.—Of the Equity Jurisdiction and Procedure of the Supreme Judicial Court and the Superior Court.

SECTS. 1-3. See St. 1903, 383 § 4; 1905, 315.

SECT. 3 amended. St. 1902, 544 § 23.

SECT. 11. Separate equity docket in Essex. St. 1905, 107.

Chapter 160.—Of Police, District and Municipal Courts.

SECT. 1. Jurisdiction extended: Fitchburg, St. 1904, 259. Lowell, 1904, 264.

SECT. 2. New courts established: Fourth Bristol, St. 1903, 214. Eastern Hampshire, 1903, 412. Winchendon, 1904, 372 § 1. Western Worcester, 1902, 416 §§ 1, 2. Districts changed: Newburyport, St. 1902, 455. Central Worcester, 1902, 186. First and second eastern Worcester, 1902, 161.

SECTS. 9-12. Office established of clerk of district court of central Middlesex. St. 1905, 133. And of eastern Worcester. St. 1905, 192.

SECT. 24 *et seq.* See St. 1903, 209, 334 §§ 1-3; 1904, 282 § 3.

SECT. 39 *et seq.* Sessions: Winchendon, St. 1904, 372 §§ 3, 4. Western Worcester, 1902, 416 § 4. (See 1904, 218.)

SECT. 48. See St. 1904, 453 § 5.

SECT. 64. Officers attending criminal sessions to wear uniforms. St. 1902, 368.

SECT. 67 in part repealed. Salaries classified and established. St. 1904, 453 §§ 1, 4; 1905, 339. (See 1902, 299, 320, 356, 360, 378, 416 § 3; 1903, 214 § 2, 412 § 2; 1904, 372 § 2; 1905, 133, 192.) Franklin

and eastern Hampshire, St. 1904, 453 § 2. Lee, 1905, 443. Lowell, 1905, 165. Winchendon, 1904, 372 § 2. Municipal court of Boston, 1904, 454 § 1; 1905, 452. Allowance for clerical assistance: Barnstable, St. 1904, 331. Chelsea, 1904, 258. East Boston, 1903, 179.

SECT. 68 repealed. St. 1904, 453 § 4. Provision for travelling expenses. St. 1904, 453 § 3.

SECT. 69. Compensation of special justices: Dukes County. St. 1902, 309.

Chapter 161.—Of Justices of the Peace and Trial Justices.

SECT. 14 amended. Error corrected. St. 1902, 544 § 24.

SECT. 30 *et seq.* See St. 1903, 209 § 1.

Chapter 162.—Of Probate Courts.

SECT. 3. Jurisdiction extended. St. 1902, 371; 1903, 222, 248, 260.

SECT. 4. Court may proceed by *habeas corpus* to determine question of care and custody of children in certain cases. St. 1902, 324.

SECT. 5. Certain proceedings of the probate courts confirmed. St. 1902, 538.

SECT. 47 amended. St. 1905, 229.

SECT. 60. Change in sessions: Hampden. St. 1905, 79.

Chapter 163.—Of Courts of Insolvency.

SECT. 2 amended. Error corrected. St. 1902, 544 § 25.

SECT. 136. Sale of merchandise in bulk is restricted. St. 1903, 415.

Chapter 164.—Of Judges and Registers of Probate and Insolvency.

SECT. 5 amended. St. 1904, 401 § 1; 1905, 92 § 1.

SECT. 7 amended. St. 1904, 401 § 2.

SECT. 16. Assistant in Berkshire and assistant in Franklin, who may be a woman. St. 1904, 286 § 1. Second assistant in Middlesex. St. 1905, 323.

SECT. 27 in part repealed. Salaries classified and established. St. 1904, 455 §§ 1, 3. Provision for future readjustment of salaries. St. 1904, 455 § 2. Berkshire, assistant register. St. 1904, 286 § 2. Middlesex, second assistant. St. 1905, 323 § 1.

SECT. 28. Berkshire excepted. St. 1904, 286 § 3.

SECTS. 28, 29. Amount increased: Bristol, St. 1902, 412. Essex, 1904, 281. Middlesex, 1904, 387. Norfolk, 1905, 183. Plymouth, 1904, 219.

SECT. 33. Allowance for uniform. St. 1904, 272.

Chapter 165.—Of Clerks, Attorneys and Other Officers of Judicial Courts.

SECT. 5. A fourth assistant in Middlesex. St. 1903, 137 § 1.

SECT. 6. Two additional assistant clerks. St. 1903, 472 § 3.

SECT. 7. Third assistant in Worcester. St. 1904, 287 § 1.

SECT. 17 *et seq.* Clerks to make certain annual returns to secretary of the Commonwealth. St. 1905, 321.

SECT. 34 superseded. Salaries classified and established. St. 1904, 451 §§ 1, 2. (See 1902, 462.)

SECT. 35 superseded. Salaries classified and established. St. 1904, 451 §§ 1, 3; 1905, 179. (See 1902, 358, 499, 513; 1903, 137, 472 § 3.)

Suffolk, superior. St. 1902, 499; 1905, 380.

SECTS. 40, 41 revised. St. 1904, 355 §§ 1, 2.

SECT. 43 revised. St. 1904, 355 § 3.

SECT. 44 *et seq.* See St. 1904, 458 § 5.

SECT. 52 amended. Eleven in Middlesex. St. 1904, 348. (See also 1905, 110.)

SECT. 81 amended. St. 1904, 145.

Chapter 166.—Of Provisions relative to Courts and of Naturalization.

SECT. 18. See St. 1903, 442.

SECT. 21 (new section) added, providing for evening sessions. St. 1905, 340.

Chapter 167.—Of the Commencement of Actions and the Service of Process.

SECT. 6 amended. St. 1904, 320.

SECT. 15. See St. 1905, 266.

SECTS. 116, 117, 121-123. See St. 1905, 110.

Chapter 173.—Of Pleading and Practice.

SECT. 2 *et seq.* See St. 1905, 266.

SECT. 48. See St. 1905, 266.

SECT. 55 amended. St. 1905, 271.

SECT. 81 amended. St. 1904, 448 § 9; 1905, 286.

Chapter 174.—Of Set Off and Tender.

SECT. 14. See St. 1904, 317.

Chapter 175.—Of Witnesses and Evidence.

SECT. 10 *et seq.* See St. 1904, 343 § 2.

Chapter 176.—Of Juries.

SECT. 3. Middlesex and Norfolk added. St. 1904, 307 § 1.

Chapter 179.—Of the Writ of Entry.

Jurisdiction of writs of entry transferred to the land court. St. 1904, 448 § 1.

SECT. 7. See St. 1905, 266.

Chapter 182.—Of Proceedings for the Settlement of Title to Land.

SECTS. 1-5, 11-14, 15. Jurisdiction transferred to the land court. St. 1904, 448 § 1; 1905, 249 § 4.

Chapter 184.—Of the Partition of Land.

SECT. 33 amended. Errors corrected. St. 1902, 544 § 26.

Chapter 189.—Of the Trustee Process.

SECT. 19. See act relative to trustee process against common carriers. St. 1905, 324.

SECT. 34. Act relative to the assignment of wages. St. 1905, 308.

SECT. 65. See St. 1905, 110.

Chapter 191.—Of Habeas Corpus.

Provision for issue of writ of *habeas corpus* in cases of divorce, nullity of marriage, separate support or maintenance, or any proceeding in which the care and custody of children is in question. St. 1902, 324.

Chapter 192.—Of Audita Querela, Certiorari, Mandamus and Quo Warranto.

SECT. 4 amended. St. 1902, 544 § 27.

Chapter 196.—Of Mills, Dams and Reservoirs.

SECT. 4 amended. St. 1905, 259.

SECT. 30. See St. 1905, 266.

Chapter 201.—Of Claims against the Commonwealth.

SECT. 1 amended. St. 1905, 370 § 1.

SECT. 2 amended. St. 1905, 370 § 2.

Chapter 202.—Of the Limitation of Actions.

SECT. 4. Actions of tort for personal injuries against counties, cities and towns added. St. 1902, 406. (See 1905, 266.)

Chapter 203.—Of Costs in Civil Actions.

Certain items of cost added in cases of petitions for abolition of grade crossings under R. L., ch. 111. St. 1902, 298.

SECT. 26 amended. St. 1904, 413 § 1.

Chapter 204.—Of the Fees of Certain Officers.

SECT. 2 amended. Fee for *alias* stricken out. St. 1904, 350 § 1.

SECT. 2 *et seq.* Fees to be paid into county treasury. St. 1904, 453 § 5.

SECT. 6 amended. City of Boston, as a party in civil actions, to pay no fees or expenses of suits to clerks of courts of Suffolk. St. 1902, 253.

Fee for rule to auditor, etc., and for *alias* execution stricken out. St. 1904, 350 § 2.

SECT. 12. As to Dukes County, see St. 1905, 336 § 1.

SECT. 17 amended relative to payment of jurors. St. 1903, 256 § 1.

Chapter 205.—Of the Rights of Persons accused of Crime.

SECT. 4. Male and female prisoners not to be placed in the same dock at same time in certain cases. St. 1904, 218 § 1.

Chapter 207.—Of Crimes against the Person.

Speed and operation of automobiles and motor vehicles on highways regulated. St. 1903, 473 §§ 3, 4-11. (See 1902, 315.)

Sale of wood alcohol regulated. St. 1905, 220.

Chapter 208.—Of Crimes against Property.

Unauthorized performance of certain dramatic and musical compositions is punishable. St. 1904, 183.

Sale or distribution of trading stamps or similar devices is prohibited. St. 1903, 386. (See 1904, 403.)

Sale of merchandise in bulk is restricted. St. 1903, 415.

Wanton destruction or injury of personal property by means not mentioned in this chapter is punishable. St. 1904, 305.

The corrupt influencing of agents, employees or servants is punishable. St. 1904, 343 § 1.

SECT. 26. Misrepresentations as to articles for sale made punishable. St. 1902, 397.

SECT. 40 repealed. St. 1902, 544 § 28.

SECT. 51. See St. 1903, 415 § 1.

SECT. 60. Provision to prohibit unauthorized use of certain registered insignia, badges, etc. St. 1904, 335. (See 1902, 430; 1903, 275.)

SECT. 61 amended. St. 1902, 544 § 29.

SECT. 73. See St. 1903, 415.

SECTS. 85, 86. See St. 1904, 370 § 4; 1905, 280 § 3.

SECT. 86 revised. St. 1904, 396.

SECTS. 91, 99, 105, 106, 111, 121. See St. 1904, 444 §§ 2, 3.

SECT. 99 amended. St. 1904, 444 § 1.

SECT. 100 amended. "Or wantonly" added. St. 1902, 544 § 30. (See 1905, 279 § 3.)

SECTS. 101, 102 amended. "Wantonly" substituted for "wilfully and maliciously." St. 1902, 544 §§ 31, 32. (See 1905, 279 § 3.)

SECT. 104 amended. St. 1905, 279 § 2.

SECT. 106 amended. St. 1902, 544 § 33.

SECT. 108. Provision for suppressing elm leaf beetles and gypsy and brown-tail moths. St. 1902, 57; 1905, 381.

SECT. 112 amended. St. 1905, 434. (See 1905, 400.)

SECT. 115 extended. St. 1903, 158.

SECT. 120 revised. St. 1905, 241.

Chapter 210.—Of Crimes against Public Justice.

SECTS. 14, 19. Act to prohibit conveying drugs or other articles to prisoners. St. 1905, 258.

Chapter 212.—Of Crimes against Chastity, Morality, Decency and Good Order.

Advertising to perform or procure performance of marriage ceremony is punishable. St. 1902, 249.

SECT. 16 amended. St. 1905, 316.

SECT. 20 amended. St. 1904, 120.

SECT. 37 revised. St. 1905, 384 § 1. (See 1905, 384 § 2.)

SECT. 45 amended. St. 1905, 307 § 1.

SECT. 46. See St. 1903, 209.

SECTS. 56, 57. See St. 1904, 274; 1905, 344, 348.

Chapter 214.—Of Crimes against Public Policy.

Sale or distribution of trading stamps or similar devices is prohibited. St. 1903, 386. (See 1904, 403.)

Corrupt influencing of agents, employees or servants is punishable. St. 1904, 343.

SECT. 29 extended. St. 1902, 397; 1903, 386.

Chapter 217.—Of Search Warrants, Rewards, Fugitives from Justice, Arrest, Examination, Commitment, Bail and Probation.

SECT. 1. See St. 1904, 367 § 2; 1905, 347 § 1.

SECTS. 3-8. See St. 1905, 347 § 1.

SECT. 35 amended. St. 1904, 164. (See 1903, 236.)*

SECT. 52. Male and female defendants not to be tried in same dock in certain cases. St. 1904, 218 § 1.

SECT. 56. See St. 1905, 110.

SECT. 79 amended. St. 1903, 236 § 1.

SECT. 81 amended. St. 1905, 295.

SECT. 85 *et seq.* Probation officers of superior court shall report to board of prison commissioners if required. St. 1902, 196.

Chapter 219.—Of Trials and Proceedings before Judgment.

Male and female prisoners not to be tried in same dock in certain cases. St. 1904, 218 § 1.

SECTS. 11, 12 revised. St. 1904, 257 § 1.

SECT. 22 amended. St. 1905, 319.

Chapter 220.—Of Judgment and Execution.

SECT. 1 revised. St. 1905, 338 § 1. (See 1905, 307.)

SECT. 4 amended. Unless otherwise provided, a person convicted of a misdemeanor, punishable by imprisonment, may be sentenced to jail or house of correction. St. 1902, 544 § 34.

SECTS. 15, 16. Sentences to reformatory prison for women regulated. St. 1903, 209 §§ 1-3.

SECT. 16 amended. St. 1904, 224.

SECT. 21 amended as to term of imprisonment. St. 1904, 303.

Chapter 222.—Of the Board of Prison Commissioners.

Provision for hospital for prisoners having tubercular disease. St. 1905, 355.

SECT. 3. See St. 1902, 196; 1903, 209 §§ 4, 5, 212, 452; 1905, 459 § 2.

SECT. 6. See St. 1905, 311 § 6.

SECT. 9. See St. 1905, 211 § 1.

Chapter 223.—Of the State Prison, the Massachusetts Reformatory and the Reformatory Prison for Women.

SECT. 14. See St. 1905, 355.

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Commonwealth of Massachusetts.

OFFICE OF THE SECRETARY, BOSTON, August 21, 1905.

I certify that the acts and resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the table of changes in general laws has been prepared, and is printed as an appendix to this edition of the laws, by direction of the governor, in accordance with the provisions of section 1 of chapter 9 of the Revised Laws.

WILLIAM M. OLIN,

Secretary of the Commonwealth.

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